

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
MEDICI CLASSICS PRODUCTIONS LLC, :

Plaintiff :

-against- :

MEDICI GROUP LLC, MEDICI ARTS
LLC, EUROARTS MEDIEN GmbH,
EUROARTS MUSIC INTERNATIONAL
GmbH, MEDICI ARTS LIMITED U.K.,
IDEALE AUDIENCE GROUP, S.A.,
ROBERT T. WALSTON, THOMAS BAER
and JOHN DOES Nos. 1 to 10, :

Defendants. :

07 Civ. 9938 (RJH)

ECF Case

**DECLARATION OF
J. JOSEPH BANTON**

J. JOSEPH BANTON, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a member of the Bar of this Court and the law firm of Bainton McCarthy LLC, attorneys for Plaintiff Medici Classics Productions LLC (“Medici”). I submit this declaration in opposition to the motion of Defendants Medici Group LLC and Robert T. Walston to dismiss this action upon the ground that this Court lacks jurisdiction over their persons.

2. Attached hereto as Exhibit A is a copy of the transcript of the deposition of Mr. Walston that was conducted on May 21, 2008 (the “Transcript”).

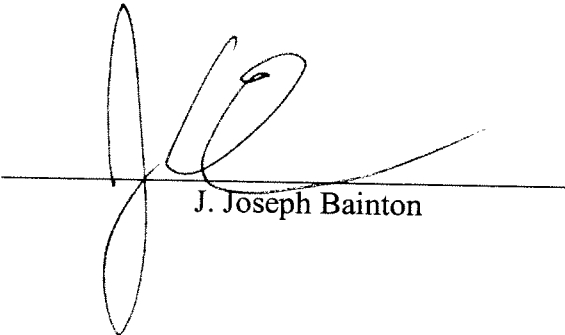
3. Attached hereto as Exhibit B is a stipulation of the moving parties and Medici relating to the topic of purchases of certain products by New York residents (the “Stipulation”).

4. Attached hereto as Exhibit C, arranged in ascending numerical order, are copies of the Exhibits to which reference is made in either the Transcript, the Stipulation, the accompanying declaration of Jerome Rose or in the balance of this declaration. They have been submitted collectively arranged in ascending numerical order simply for ease of the Court's reference. (The "Courtesy Copies" of these exhibits being delivered to Chambers pursuant to the Court's Individual Rules have numbered exhibit tabs for the Court's further convenience.) Some of these exhibits are images of the shrink-wrapped packaging of recordings to make them amenable to filing by ECF. These images are less than ideal. The original physical exhibits will be brought to the hearing on this matter and have already been inspected by counsel for the moving parties.

5. Exhibits 41, 42 and 43 (included as part of Exhibit C) are exemplars of advertising materials used by Medici in the ordinary course of its business. Copies of these exhibits have previously been provided to counsel for the moving parties.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 2, 2008.



J. Joseph Bainton

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
Case No. 1:07-cv-9938

-----x
MEDICI CLASSICS PRODUCTIONS LLC,
Plaintiff,
- against -
MEDICI GROUP LLC, et al.,
Defendants.
-----x

May 21, 2008
10:10 a.m.

Deposition of ROBERT T.
WALSTON, taken by the Plaintiff, held at
the office of Kornstein Veisz Wexler &
Pollard, LLP, 757 Third Avenue, New
York, New York, before Joseph Ravenell,
a Court Reporter and Notary Public of
the State of New York.

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A P P E A R A N C E S :

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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND
AGREED by and between the Attorneys for
the respective parties hereto that filing
and sealing be and the same are hereby
waived.

IT IS FURTHER STIPULATED AND
AGREED that all objections except as to
the form of the question, shall be
reserved to the time of the trial.

IT IS FURTHER STIPULATED AND
AGREED that the within examination may be
signed and sworn to before any notary
public with the same force and effect as
though signed and sworn to before this
Court.

ROBERT T. WALSTON, having
first been duly sworn by a Notary Public
of the State of New York, was examined and
testified as follows:

EXAMINATION BY

MR. BAINTON:

Q. Good morning, sir. Have you
ever been deposed before?

A. Actually in an official hearing,
no. But litigation many, many years ago,
I was involved in a similar process.

Q. Would it be reasonable for me to
assume that you have a general
understanding of what we are going to do?

A. Yes.

Q. Do you have a practice of
carrying one or more business cards?

A. Not usually.

Q. Do you have business cards?

A. Not with me.

Q. Do you have them period?

A. I have business cards, usually
directed to a particular purpose or event
or reason that I need to hand them out. I

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found in my role I don't really need to carry business cards.

MR. KORNSTEIN: I had meant to say this before we started. We don't have a confidentiality stip obviously yet. What I would like to do is after the deposition prepare a stip in order to send to you, because both of us may want to designate portions of the transcripts as confidential. So Mr. Walston obviously will answer all of the appropriate questions. But I would ask until we sign the confidentiality stip, which should only take a few days to do, the transcript probably will not be available immediately, in any event, that we treat it as if it's confidential.

MR. BAINTON: I'm happy to agree to that. I'm sure we will work out the details. I assume you are aware the Court entered an order last night. I intend to use portions of this transcript in connection with filing those papers. We will work that all out. That's fine with

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me.

MR. KORNSTEIN: Thank you.

Q. Lawyer stuff. In contemplation of testifying this morning, sir, did you look at anything?

A. No.

Q. Did you do anything to prepare for the testimony you are going to give?

A. I had a brief conversation with counsel. That's it.

Q. I have premarked, just to save your valuable time, some exhibits. There is no particular significance to the number. So they are going to be completely out of order. I just wanted to point that out to you. I'm going to begin by showing you what I have previously marked as Plaintiff's Exhibit 33 for identification. And my first question is, have you seen it or any part of it previously?

(Witness reviews document.)

A. I've seen the organizational charts. But I don't recall seeing Dan's

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letter.

Q. When was the first -- let's turn those two pages aside. They are not Bates numbered. But can we agree that the last I believe three pages of Exhibit 33, Plaintiff's Exhibit 33 for identification, consist of an organizational chart?

A. Yes.

Q. Would you turn to the last page of this exhibit, which is marked page 3 of 3. Actually let me withdraw that question and ask this: When is the first time you saw this three-page organizational chart?

A. I don't recall.

Q. When is the last time you saw it before this morning?

A. I don't recall.

Q. Do you recall at any point in time attempting to make any determination as to whether the information set forth in this chart was accurate as of 2008?

A. I had a verbal discussion about the ownership structure of the business I recall with Dan.

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Q. Now I'd like to focus on the third page which you have in front of you. Am I correct that Medici Group, LLC was formed in or about August of 2004?

A. That's correct.

Q. And am I correct that Medici Arts, LLC was formed in or about October of 2006?

A. I'm not certain. But I think it's accurate that it was formed subsequent to formation of Medici Group.

Q. Okay. Let me see if I can refresh your recollection. Let me show you what has been marked as Plaintiff's Exhibit 37 for identification. I ask you to take a look at it and see if that refreshes your recollection as to the date on which Medici Arts, LLC was formed.

(Witness reviews document.)

Q. Does that refresh your memory?

A. Yes.

Q. Am I correct that Medici Arts, LLC was organized under the laws of the State of Delaware?

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A. Yes.

Q. And we are correct about the month of October 2006?

A. According to that document, yes.

Q. Does that refresh your memory?

A. It was on or about that time period.

Q. Okay. Now, let's turn back to page 2 of the organizational chart, which would be the next to the last page of Mr. Kornstein's letter. The top of this chart, of course, again is Medici Group, LLC. Mosaic Digital Studios is the first company under it. Do you see that, sir?

A. Yes.

Q. Am I correct that that was formed in September of 2006, roughly a month after the formation of Medici Group, LLC?

A. It was about the same time, yes.

Q. When Medici Group, LLC was formed, who were its members?

A. I was the sole member and manager.

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Q. Originally were there any other members?

A. When it was formed, I was the sole member.

Q. Who are the members of Medici Group, LLC today?

A. I'm a member and the managing member. Michael Steinhardt, Mark Rich, Peter Foreman, Brad Dyer, Roger Brown, and Robert Fulk.

Q. I didn't hear the last name, sir.

A. Robert Fulk. F-u-l-k, I believe.

Q. Can you tell me the first gentlemen's last name?

A. Michael Steinhardt. S-t-e-i-n-h-a-r-d-t.

Q. Does Medici Group, LLC have a place of business?

A. Yes.

Q. Where is it?

A. Los Angeles.

Q. Does it have any other place of

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business?

A. No.

Q. Does Medici Arts, LLC have a place of business?

A. Yes.

Q. Where is it?

A. Los Angeles.

Q. Does it have any other place of business?

A. No.

Q. If you would, kind of keep Exhibit 33 handy, because we will be coming back to it for reasons that may or may not be obvious to you.

I'm going to show you what I've marked for identification as Plaintiff's Exhibit 22. My first question is, have you ever seen it before? Take your time to read this. I don't mean to rush you.

(Witness reviews document.)

A. Yes, I've seen it before.

Q. When was the first time you saw it?

A. On or about the date it was

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issued.

Q. The document refers generally to an acquisition of Independent Television Facilities Centre Ltd. by Elektrofilm Ltd., "a wholly owned subsidiary of Medici Group, LLC." Are you familiar with the transaction to which reference is made in this document?

A. Yes.

Q. Were you involved in that transaction, sir?

A. Involved in what way?

Q. In any way.

A. I was involved, yes.

Q. How were you involved?

A. I was involved in approving the transaction and involved in securing the funding and financing for it.

Q. Were you involved in negotiating the terms of the transaction?

A. Indirectly as it related to the capital raising to facilitate closing.

Q. Do you know if this document was ever, this document being Plaintiff's

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2 Exhibit 22, was ever issued as a press
3 release?
4 A. I believe it was.
5 Q. Do you know who the author of
6 this document is?
7 A. No.
8 Q. Do you know if before this
9 document was issued to the general public
10 it was reviewed by counsel for Elektrofilm
11 or any other company in which Medici
12 Group, LLC had an interest?
13 A. I don't know.
14 Q. Did you review it before it was
15 disseminated to the general public?
16 A. I believe I reviewed my quotes.
17 As for other comments in the document, I
18 don't recall reviewing them.
19 Q. Who else, if anyone, with any
20 affiliation, direct or indirect, to Medici
21 Group, LLC to your knowledge reviewed this
22 document before it was disseminated to the
23 general public?
24 A. I can only speculate who on our
25 side of the team.

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1 ROBERT T. WALSTON
2 MR. KORNSTEIN: Don't speculate.
3 It's if you know.
4 A. I don't recall a specific
5 person.
6 Q. Can you recall the members of
7 your team who worked on this transaction?
8 A. The principal party was
9 Josephine Navarro.
10 Q. Anyone else?
11 A. She was the primary contact,
12 primary person from our company working on
13 the deal.
14 Q. Could you turn to the next --
15 A. She is listed here.
16 Q. Could you turn to the next to
17 the last page of this exhibit. A little
18 lower than the bottom half, there is a
19 section that's underscored that says
20 "About Medici Group, LLC." Do you see
21 that?
22 A. Yes.
23 Q. Do you remember reviewing this
24 before it was disseminated to the general
25 public?

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2 A. No.
3 Q. No, you don't remember?
4 A. I don't recall reviewing it.
5 Q. Is the first statement of this
6 document, "Medici Group is the holding
7 company for Medici Arts and Mosaic" --
8 withdrawn. Let me start again.
9 As of August of 2007, is the
10 statement "Medici Group is the holding
11 company for Medici Arts and Medici Digital
12 Studios" accurate, to the best of your
13 knowledge?
14 MR. KORNSTEIN: Mosaic.
15 Q. I apologize. Let me start
16 again. I misread.
17 As of the time of this press
18 release, August 2, 2007, was the statement
19 "Medici Group is the holding company for
20 Medici Arts and Mosaic Digital Studios"
21 accurate?
22 A. Yes.
23 Q. Turning to the next sentence, is
24 "Medici Arts, with offices in London,
25 Paris, Berlin, Leipzig, Los Angeles and

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2 New York is the premier owner, producer,
3 and distributor of classic music and arts
4 audiovisual programming for broadcast
5 television, home video and emerging
6 digital distribution formats" accurate?
7 A. Technically, no. This was a
8 very broad simplification of the
9 organizational structure, as you can see
10 in Exhibit 33.
11 Q. Technically, no how?
12 A. Medici Arts, if you are
13 referring to Medici Arts, LLC, only has an
14 office in Los Angeles, where I reside.
15 Q. I apologize for interrupting. I
16 may do that. And I mean no disrespect.
17 Go ahead.
18 A. Any time.
19 Q. No, I didn't mean to. Finish
20 your answer. I tend to do this. And it's
21 really impolite. I apologize.
22 A. Medici Arts, again, did not
23 refer to a specific entity. I think this
24 comment, this is certainly intended to
25 describe the company generally, without

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2 laying out the specifics of the
3 organizational structure.

4 But Medici Arts, LLC or Medici
5 Arts, B.V. do not have offices in these
6 locations. Subsidiaries owned by those
7 companies do.

8 Q. When you just used the phrase
9 "the company generally," what did you
10 mean?

11 A. That this was -- the intent of
12 this was to describe the company generally
13 without a lengthy paragraph as to the
14 specifics of the organizational structure.

15 Q. What is --

16 A. So, for example, New York.
17 There is no office in New York. We have
18 an occasional consultant in New York who
19 resides in New York. And there is nothing
20 further from that. There is no
21 operations. There is no office. There is
22 no business conducted. There is a
23 consultant who sits in his own office in
24 New York. That's the extent.

25 Q. Is the reference in the sentence

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2 of Exhibit 22 that I read a moment ago to
3 a New York office a reference to
4 Mr. Baer's office here in New York?

5 A. Yes.

6 Q. And Mr. Baer is "a consultant"?

7 A. A consultant, yes.

8 Q. Has he ever been held out by any
9 member of the Medici Group family of
10 companies, I'll use that to embrace all of
11 them, as anything other than a consultant?

12 A. He is, in his consulting role
13 for the company, responsible for the
14 acquisition of relationships that are
15 important to the company. So, for
16 example, Tom works on a relationship with
17 the L.A. Philharmonic. He works on a
18 relationship with Lincoln Center. He
19 works on a relationship with the New York
20 Philharmonic.

21 So in this relationship
22 management and acquisition role, Tom found
23 it useful to attach himself to the title
24 of vice chairman. But there is no -- it's
25 a ceremonial title, an honorary title.

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2 There is no vice chairman role in the
3 company. We are LLCs. And there is no
4 corporate structure that has a -- giving
5 him responsibilities in any governance
6 role with that title. So he has used that
7 title, and I think effectively, with the
8 relationships that he is responsible for.

9 Q. What is your title with the
10 company, as you defined it?

11 A. A managing member. But people
12 generally don't understand what a managing
13 member is. They don't relate that term to
14 "What is your job?" So we use sometimes
15 the more familiar terms, like chief
16 executive. You will see on the
17 organizational chart sometimes I'm
18 referred to as chief executive. But I'm
19 the managing member of Medici Group, LLC.

20 Q. If you look at the first
21 paragraph of the first page of Exhibit 22,
22 you will see a reference to, the end of
23 the first sentence, "Medici Group, LLC,
24 led by Chief Executive Robert T. Walston."

25 Do you see that?

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2 A. Yes.

3 Q. I take it you approved for
4 dissemination to the general public the
5 reference to you as chief executive of
6 Medici Group, LLC?

7 A. I can't say that I approved this
8 specific instance of it. But we have used
9 chief executive and managing member
10 interchangeably in interaction with third
11 parties.

12 Q. Would it be fair to say that on
13 numerous occasions you have held yourself
14 out as the "CEO" or "chief executive" of
15 Medici Group, LLC?

16 A. Yes.

17 Q. Have you held yourself out from
18 time to time as the "chairman" of Medici
19 Group, LLC?

20 A. Yes.

21 Q. Let me show you Exhibit 31. The
22 first question is, have you seen it
23 before?

24 A. Yes.

25 Q. I'd like to direct your

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1 attention to the second page of this --
2
3 withdrawn.

4 When did you first see it?

5 A. I don't recall.

6 Q. Do you know if you saw it before
7 or after Mr. Kornstein sent it to me?

8 A. I don't recall.

9 Q. I'd like to ask you to look at
10 the second page where there is a numbered
11 paragraph numbered 2. In fairness to you,
12 I would ask you to read that paragraph
13 before I ask you questions about it.

14 (Witness reviews document.)

15 Q. That paragraph concludes with
16 the following statement: "Tom Baer is not
17 an employee of Medici Group, LLC or
18 EuroArts Music International nor is he an
19 employee of any other entity affiliated
20 with Medici Group, LLC."

21 Is, to the best of your
22 knowledge, that statement truthful?

23 A. Yes.

24 Q. Let me show you what has been
25 marked as Exhibit 34. I'll hand it to

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1 you. Before I ask you to look at it, I
2

3 want to ask you a preliminary question or
4 two. Have you ever heard of a company
5 called Ideation Acquisition Corp.?

6 A. Yes.

7 Q. When did you first become
8 familiar with this entity?

9 A. Within the last year.

10 Q. How did you learn of it?

11 A. From Mr. Baer.

12 Q. Have you ever seen the Web site
13 from which I printed this exhibit?

14 A. I've never visited the Web site.

15 Q. There is a section on the Web
16 site which refers to Mr. Baer. And that
17 begins at the bottom of the second page
18 and continues to the top of the third
19 page. I'm going to ask you to read that
20 and then we will go through it sentence by
21 sentence to figure out what if any of it
22 you believe to be true. But it's fair to
23 ask you to read it first.

24 (Witness reviews document.)

25 Q. Before we start, and this is

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2 addressed in Mr. Kornstein's April 23
3 letter, Exhibit 33, but just for the
4 benefit of a judge who may have to read
5 some of this testimony, let's talk briefly
6 about Medici Arts, B.V., which I gather is
7 a Dutch company?

8 A. Yes.

9 Q. I understand that there is some
10 tax issue that you are trying to resolve.
11 But ultimately it's the contention of
12 Medici Group, LLC for Medici Arts, B.V. to
13 disappear from the chain of companies and
14 be replaced by Medici Arts, LLC. Have I
15 got that right or am I oversimplifying?

16 A. No. I think oversimplifying.
17 But did if you want to dive into it,
18 please do.

19 Q. Is it your expectation that a
20 year from now Medici Arts, B.V. will
21 exist?

22 A. Yes.

23 Q. For what purpose?

24 A. It is the vehicle through which
25 the U.S. LLC, Medici Arts, LLC would own

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2 European assets.

3 Q. So it's your expectation that a
4 year from now, Medici Arts, LLC, the
5 Delaware LLC we talked about earlier
6 today --

7 A. Yes.

8 Q. -- will own 100 percent of
9 Medici Arts, B.V., the Netherlands
10 company?

11 A. Yes.

12 Q. And the Netherlands company --
13 if I'm doing this too broadly, stop me.
14 But I'm trying not to waste your time.
15 Medici Arts, B.V. owns a 100 percent
16 interest in European assets?

17 A. Yes. Sometimes not 100 percent.
18 But anything that we own in Europe is
19 owned through that entity.

20 Q. And that entity is going to be
21 owned ultimately, it's your expectation,
22 by Medici Arts, LLC?

23 A. That's correct.

24 Q. Can you give me the very short
25 explanation of what is holding the

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2 transaction up?
3 A. Sure. What we have done in the
4 organization, in the organizational
5 structure is clearly define the IT
6 services company which Medici Groups own
7 and the content production and
8 distribution company that we call Medici
9 Arts that Medici Group owns. In that
10 process, we have had to move assets under
11 different tax jurisdictions into one group
12 or another. And the purpose behind that
13 is to, again, clearly define the companies
14 that operate within each group. There are
15 two distinct groups that really do not
16 have any overlap or any common business
17 among each other or relationship to each
18 other, other than through the ownership
19 group at the top, Medici Group.
20 Q. Let me see if I can understand
21 what --
22 A. You asked about the tax issue
23 that we are trying to resolve?
24 Q. Exactly. I think I may have
25 interrupted you again.

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1 ROBERT T. WALSTON
2 A. So the tax issue has to do with
3 the transfer of assets from one group to
4 another to ensure the alignment of both
5 holding companies.
6 But I want to be clear. Medici
7 Group, LLC, Medici Arts, LLC and Medici
8 Arts, B.V. are holding companies. They
9 have no operations, no employees, no
10 assets other than the ownership of the
11 subsidiaries. So it's just a tax
12 structure so that if we were to sell the
13 business some day, that the tax attributes
14 flow directly through to the members.
15 That's the whole reason for LLCs. It's a
16 tax-driven structure so you don't have
17 double taxation. A corporation would
18 capture the tax liability. An LLC passes
19 it through. So we use that structure so
20 we pay tax once.
21 Q. Let me show you Plaintiff's
22 Exhibit 18 for identification, which is
23 something I'm sure you have seen before.
24 It's a performance of the New York
25 Philharmonic.

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2 A. Actually this is the first time
3 I have seen this.
4 Q. Really?
5 A. Okay.
6 Q. I know, because of the Internet,
7 a little bit about your background. And
8 you know a whole lot more about the music
9 business than I do. So if I sound a
10 little simple-minded, I apologize. But
11 for a consumer to be able to enjoy that
12 performance of the New York Philharmonic
13 in his or her living room any place in the
14 world, they would basically need, if I
15 understand, three distinct things. First,
16 you need an artist or in this case a bunch
17 of artists to perform the music. Right so
18 far?
19 A. Mm-hmm.
20 Q. Then you need somebody to record
21 in some media, some form of media the
22 performance of the artist. Right so far?
23 A. Yes.
24 Q. And then you need, after the
25 technical people have captured through

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2 means that I don't begin to understand,
3 the performance that if you are sitting
4 there live watching the New York
5 Philharmonic perform, you observe with
6 your eyes and ears sitting there watching
7 it. Then you need somebody to distribute
8 or to get those -- is that a DVD?
9 A. This is a DVD.
10 Q. To people simple-minded like me
11 to just go home and play it in their
12 living room and enjoy it. Right so far?
13 A. Yes.
14 Q. Okay. Now, am I correct in
15 understanding that no part of the Medici
16 Group has got anything to do with the
17 first piece, artists?
18 A. No.
19 Q. Is it fair to say that the
20 Medici Group as a whole addresses the
21 other two elements that are necessary for
22 a consumer like me to be able to enjoy
23 that DVD?
24 A. Not at all. We are just
25 shareholders. We just own interest in the

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companies that we acquire. We hope they do well. We hope they execute their business plan. But we are not involved in their process of creating content or delivering content.

Q. What does Elektrofilm do?

A. Elektrofilm is a post production company.

Q. What does that mean?

A. It means we provide services to media and entertainment companies, technical services.

Q. Did any company owned directly or indirectly by Medici Group, LLC have anything to do with recording of the performance of the New York Philharmonic?

A. No. Please ask that again. I want to answer it accurately.

Q. Did any company in which the Medici Group, LLC has a direct or indirect interest have anything to do with recording the performance of the New York Philharmonic in North Korea?

A. This was produced by EuroArts

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Music International. So that is a company

100 percent owned by EuroArts Medien GmbH, which is in turn owned by Medici Arts, B.V., which is in turn 100 percent owned by after the tax Medici Arts, LLC.

Q. I don't want to sound like a smart-aleck. But you know the old joke about if a tree falls in the forest and nobody is there to hear it, does it make a noise. If there wasn't somebody there from Elektrofilm in North Korea, that wonderful performance would have been lost for posterity, right?

A. Not Elektrofilm. Elektrofilm had nothing to do with it.

Q. Elektrofilm ultimately had something to do with it?

A. Nothing whatsoever. These two business groups have no relationship with each other.

Q. So no company owned directly -- I must have misunderstood.

A. EuroArts Music International based in Leipzig, Germany produced this.

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Q. When you say the word "produced," what do you mean by that? I know it has real meaning to you, but I'm not sure it has meaning to me or the average person.

A. EuroArts Music International in Germany made an agreement with the New York Philharmonic and secured other resources like from the South Korean broadcaster, I can't recall the name of the broadcaster, essentially to put up the funding to pay for the camera crews and the rights from the New York Philharmonic, et cetera. And it was their staff and employees that went to Pyongyang to film the concert. And EuroArts Music International has the agreement with Naxos, for example, to distribute this asset. You can see the EuroArts acknowledgment here.

Q. There is also a Medici Arts trademark on there, isn't there?

A. There is. But I would say that any of these marks on the back, and there

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are 12, 13, none of that has to do with any sales activity. What sells this DVD is the New York Philharmonic, Lorin Maazel in Pyongyang. That's the only relevant thing to a consumer. None of this makes any difference whatsoever.

Q. Now, after the folks from EuroArts went to North Korea with the camera crew and captured the performance, what happened next that involved any company owned directly or indirectly by Medici Group, LLC after the camera crew has the stuff I think in the can? That used to be the phrase.

A. They captured the program. And then EuroArts Music International has the responsibility to finish the program.

Q. Tell the uninitiated what that means. When you say "finish," what do you mean?

A. They have the responsibility to edit it and to complete the program for the DVD format.

The program was actually aired

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2 or broadcast live in many places in the
3 world. And they were also responsible to
4 deliver that broadcast signal to
5 television stations that had agreed to pay
6 for the content. But that's all within
7 EuroArts Music International. So nothing
8 happens outside of EuroArts Music
9 International on this project.

10 We have a similar company in
11 Paris that produces other programs at a
12 very similar process within the production
13 company located in Paris.

14 The distribution operation is
15 located in Berlin, also part of EuroArts
16 Music International but a different
17 office. And they would be responsible for
18 selling the New York Philharmonic and the
19 Pyongyang concert to other television
20 broadcasters subsequent to the original
21 live broadcast.

22 Q. What about the DVDs? From the
23 point where you complete the editing
24 process until the point where that
25 consumer package is shrink-wrapped, what

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2 That's good.

3 Q. Somebody told you that rap
4 artists make more than classical
5 musicians. You probably knew that.

6 A. Much more. It has something to
7 do with talent, I'm sure.

8 Q. But more seriously, is it
9 delivered to Naxos, ready for Naxos to
10 essentially --

11 A. Yes.

12 Q. Okay. So who creates the DVD,
13 puts it in the box, puts the pretty
14 picture on the outside and shrink-wraps
15 it? Who does all of that stuff?

16 A. EuroArts Music International is
17 responsible for all of the content. I
18 believe that they would send the actual
19 master to a replicator. Replication is an
20 outside company. I have no idea who we
21 use in Europe. But the replicator would
22 then make the 5,000 copies. The
23 replicator would put it in -- would print
24 the cover material. I don't know if there
25 is an insert inside here.

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2 happens in between?

3 A. EuroArts Music International
4 determines how many copies of this they
5 want to make. And they will do a sales
6 workout. So they will say I can sell
7 2,000 of these or 5,000 or whatever it is.
8 And then they will deliver that material
9 to Naxos. Naxos is a global distributor
10 of DVD and CD product. And what Naxos
11 does for us is they actually deliver it to
12 retail stores. They collect the money.
13 And occasionally when they get around to
14 it, they send it back to us.

15 Q. Tell me the exhibit number. I
16 can't read upside down. What is the
17 number?

18 A. Exhibit 18.

19 Q. When Naxos receives product, is
20 it shrink-wrapped --

21 A. Did you buy this?

22 Q. Yes.

23 A. Terrific. Have you seen it?

24 Q. It's wonderful.

25 A. So we get at least one sale.

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2 Q. There is. We will get to it.

3 A. So there probably is some
4 material inside. All of that is organized
5 by EuroArts Music International, delivered
6 to the replicator who manufactures this
7 piece and it gets sent out to the Naxos
8 distributor.

9 Q. Let's go back, if we could, to
10 Exhibit 34, the section about Mr. Baer.
11 Because I wanted to interrupt because I
12 wanted to clarify the B.V. thing and you
13 have clarified. Thank you for that.

14 The first part of the section of
15 Exhibit 34 that talks about Mr. Baer says,
16 "Mr. Baer has served as a director of
17 Medici Arts, B.V. or Medici, a Netherlands
18 holding company, since its creation in
19 September 2004." Is that a truthful
20 statement?

21 A. This is sort of like Hillary
22 Clinton claiming that she was under fire
23 in the Balkans.

24 I don't know if Tom was
25 appointed a director directly in September

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'04. I think it probably happened a few months after.

What I do remember about the formation of the B.V. is that the B.V. in its governance requires directors from the Netherlands. So we have, I think, three independent directors resident in the Netherlands. And then we have Tom and I and another -- I think there are a total of -- I don't recall exactly. So anything I say I'm speculating.

Q. Mr. Kornstein doesn't want you to do that. Having a general recollection and approximating, that's okay. But don't speculate.

A. Let's approximate. I'll just tell you what the intent was. And details we can figure out later. There is a Netherlands group and then there is a group representing the company. I needed a director that I appointed to meet the governance requirement for the B.V. And I appointed Tom.

Q. If I understood you correctly,

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was the governance requirement as you understand it a requirement of Dutch law?

A. Dutch law.

Q. Is it consistent with your recollection that B.V. was formed in or about September of 2004?

A. Yes.

Q. Is it --

A. We needed it to hold the acquisition that we made of EuroArts.

Q. Assuming, plus or minus a period of time, that it was formed in September of 2004, was Mr. Baer from its formation one of its directors?

A. You said from its formation. I don't know if it happened upon formation or if Tom was appointed later. But on or about September '04 I think is accurate.

Q. Was he one of the first directors of B.V.? I understand your point is you are saying it may be formed on day one and maybe we didn't get all the directors appointed until a month later. I'm not trying to pin you down to that

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level of precision. But by the time you got your fully constituted board of directors -- withdrawn. Let me see if I can ask a better question.

As of the time you had a fully constituted board of directors for B.V., regardless of when the entity may have been formed, was he one of the initial directors once you had a fully constituted board?

A. Yes.

Q. Is he a director today?

A. Yes.

Q. Has he continuously served as a director?

A. Yes. But as you know in this particular tax structure, the B.V. has no operations. It is just a shareholder in the other European entities. So it really has no -- Tom has no function or responsibility as a director other than signing the annual tax filing to the Netherlands authorities. That's the extent of his involvement. Which is again

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why I say the resume should say "My duties as a director of Medici Arts, B.V. is putting my signature on the annual tax filing." That doesn't sound very impressive, but that's what it is.

Q. Is the statement that Mr. Baer has served as "the vice chairman of Medici Arts, LLC since January 2007" accurate?

A. Again, there is no such corporate office in an LLC. So Tom has not been granted any corporate job responsibility in the LLC whatsoever. He has no role, he has no governance role. There is no employee relationship. We just gave him a title to help him do his job in relationship building. That was it.

Q. Would it be accurate to say that since in or about January 2007, Mr. Baer has held himself out to the general public as a vice chairman of Medici Arts, LLC with your permission?

A. With the caveats that I have previously mentioned. In other words, Tom

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2 can't sign documents for the company. He
3 can't bind the company. He can't execute
4 a written or oral contract. He has no
5 role in that whatsoever.

6 So Tom certainly knows what his
7 role is. And your question, I think, is
8 giving him more authority than he has. He
9 has no authority. He has been given a
10 ceremonial title to help him sell things.

11 Q. When was he given that title?

12 A. I think it's reasonably accurate
13 that in January of '07, he said, "This
14 would be very helpful to me in
15 relationship building for the company."
16 So about that time.

17 Q. In addition to yourself, who, if
18 anyone, was involved in the decision to
19 permit Mr. Baer to use the title vice
20 chairman?

21 A. Only me. In fact, the title
22 vice chairman was specifically chosen
23 because it did not represent any
24 operational or managerial role in the
25 company whatsoever.

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1 Q. Is the statement "Medici, which
2 is a defined term for Medici B.V." Do you
3 see that? I don't want to mislead you. I
4 just want to refer you back to the earlier
5 sentence so that you understand.

6 Is "Medici and its subsidiaries
7 own EuroArts Music International and
8 Ideale Audience, companies that produce
9 and acquire audiovisual content in the
10 classical and popular music fields and
11 distribute libraries of audiovisual
12 content that it owns or licenses, and
13 Elektrofilm, a media services company
14 engaged by content owners and producers to
15 perform post production, distribution,
16 digital media and library services"
17 truthful?

18 A. Okay. Let's break down the
19 sentence. "Medici Arts, B.V. and its
20 subsidiaries own EuroArts Music
21 International and Ideale Audience." True.

22 "They are companies that produce
23 and acquire audiovisual content and
24 classical music." I would say popular
25

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2 music. I don't know what he meant by
3 that.

4 Q. So we should strike "popular"?

5 A. I would. Because I think
6 it's --

7 Q. You are the witness. You get to
8 strike whatever you want to. You are in
9 charge. I just want to know what you know
10 to be truthful.

11 A. We will say popular classical
12 music. How is that?

13 Q. Okay.

14 A. "And distribute libraries of
15 audiovisual content that it owns or
16 licenses." Yes, that's true. That part
17 is true.

18 Now we go to Elektrofilm.
19 "Elektrofilm, a media services company."
20 Yes.

21 "It's engaged by content owners
22 and producers to perform post production
23 services." I would add that if I were
24 writing it.

25 "Distribution" I would strike,

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2 because Elektrofilm is not a distribution
3 company as we have just defined it.

4 Q. Okay.

5 A. We just defined distribution as
6 Naxos. Right? Elektrofilm is not
7 distribution. I think what that word is
8 intended to mean in this context is that
9 Elektrofilm will send upon request by the
10 content owner a tape of a performance to a
11 replicator for completion. That's the use
12 of "distribution" in the context of what
13 Elektrofilm does.

14 "Digital media and library
15 services." Again, those are very broad
16 words. I'm not sure I would use them if I
17 had written this.

18 So the only thing I would say,
19 Elektrofilm is a media services company
20 and its client base are content owners.
21 And it does post production work.

22 Q. Have you ever had any personal
23 affiliation with Liberty Livewire?

24 A. Yes.

25 Q. Would you tell me what it is or

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2 was?
3 A. Liberty Livewire acquired --
4 Liberty Livewire was a subsidiary of
5 Liberty Media Group. And Liberty Media
6 acquired Four Media, the company I was
7 chairman and CEO of. And after that
8 acquisition, I worked for Liberty
9 Livewire, first as president and then as
10 chief executive officer.

11 So when this sentence says,
12 "Mr. Baer served as a consultant to the
13 chairman and chief executive officer of
14 Liberty Livewire," that's true. But he
15 did not serve as a consultant to me while
16 I was at Liberty Livewire. He was serving
17 in that capacity when I was the chairman
18 and CEO of Four Media Company.

19 Q. Was he a consultant to you at
20 Four Media?

21 A. Yes. When we initially founded
22 the company, Tom was a director. That
23 goes back to 1993. And in 1997, I believe
24 he ceased to be a director. Or it could
25 have been a year or two before that.

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2 badly.
3 Q. If I could, I'd like to circle
4 back quickly to Naxos, because you said
5 something that brought up another
6 question. Can you think of Naxos in terms
7 of worldwide distribution one-stop
8 shopping? In other words, does Naxos take
9 on a recording like Exhibit 18 and deal
10 with distribution worldwide for you?

11 A. They will. But they are better
12 in some territories and not as good in
13 others. So it's not necessarily the case
14 that the EuroArts Music International
15 would use them in every territory of the
16 world.

17 Q. Would it be typical to use them
18 in several territories?

19 A. Certainly more than one, yes.

20 Q. Have you ever had any
21 affiliation with Steinhardt Baer Pictures
22 Company?

23 A. No.

24 Q. I'm going to show you Exhibit
25 22. But in fairness, because my technical

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1 Q. Were you ever chairman of
2 Liberty Livewire?
3 A. I was never chairman of the
4 board of Liberty Livewire.
5 Q. To your knowledge, was Mr. Baer
6 ever a consultant to the chairman of
7 Liberty Livewire?
8 A. He was -- no.

9 Q. Just out of idle curiosity, can
10 we give this chairman a name?
11 A. Chairman of Liberty Livewire?

12 Q. Yes.

13 A. His name was or is Bill
14 Fitzgerald.

15 Q. After you sold the company, you
16 founded Liberty Livewire and continued to
17 serve post acquisition, did Mr. Baer
18 remain a consultant to you?

19 A. No. I think this refers to his
20 previous role at Four Media.

21 Q. With you?

22 A. Yes.

23 Q. As a consultant to you?

24 A. Yes. I think it's just written
25

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2 skills are challenged, I want to explain
3 to you --

4 MR. KORNSTEIN: That's 21. We
5 already had 22.

6 MR. BAINTON: Absolutely 21.
7 Thank you.

8 Q. This is a printout of a Web
9 page. I couldn't get it all to print
10 once. So you will see some strike-
11 through. All I have done was strike
12 through where I reproduced the same words.
13 And I didn't render them illegible. I
14 couldn't get my printer to print it in
15 consecutive pages, so I had to move the
16 mouse around. I downloaded it last night
17 in contemplation of meeting you today.

18 Have you ever seen this before
19 on a Web site?

20 A. I have never visited this Web
21 site. But I am familiar with the
22 company's recent launch of the Web site.

23 Q. Which company launched this Web
24 site?

25 A. Ideale Audience.

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Q. Do you know if any marketing

professionals were consulted in connection with the preparation of this Web site?

A. Don't know.

Q. Does one or more of the companies owned directly or indirectly by Medici Group, LLC have a common or overall marketing plan?

A. Say that again.

Q. Does one or more of the companies owned directly or indirectly by Medici Group, LLC have a common marketing plan?

A. I hope so.

Q. If you would look at the first sentence of Exhibit 21, it says in bold print "One name: Medici Arts." It goes on to say "One field of expertise, the independent production and distribution of audiovisual programs in the field of performing arts and documentaries."

Do you see that?

A. Yes.

Q. It goes on. "One self-imposed

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standard." Skipping. "One belief." "One ambition." And so on.

About which company or companies in the Medici Group -- withdrawn.

About which company or companies owned directly or indirectly by Medici Group, LLC are these statements made?

A. EuroArts Music International, GmbH and Ideale Audience Group. I don't know what form. It could be an S.A.A. or S.A.S. I don't remember. But those two companies are the ones that are driving this activity.

Q. Which company or companies owned -- first of all. Withdrawn. Let me start again.

Do companies owned directly or indirectly by Medici Group, LLC own a catalog of approximately 1,500 hours of programs?

A. EuroArts Music International and Ideale Audience own the programs.

Q. Which companies owned directly or indirectly by Medici Group, LLC are

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involved in any way in the production of approximately 50 new films annually?

A. EuroArts Music International and Ideale Audience. In France we own 35 percent of the production company, and 65 percent is held by the founder Pierre Olivier Bardet. Those are the entities that are driving the DVD release schedule.

Q. Which companies owned directly or indirectly by Medici Group, LLC publish the distribute the works of the great masters of documentary films? Same two?

A. Ideale Audience.

Q. Which company owned directly or indirectly by Medici Group, LLC has developed unique partnerships with the Berlin Philharmonic Orchestra, Claudio Abbado and the Lucerne Festival Orchestra and Daniel Barenboim?

A. Both companies EuroArts Music International and Ideale Audience Group.

Q. Which companies owned directly or indirectly by Medici Group, LLC are proud to represent a CD catalog of -- I'm

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just reading, going down the Web site. I'll start again.

Which of the companies owned directly or indirectly by Medici Group, LLC represent a CD catalog of unparalleled audio archives consisting of BBC Legends (220 titles from the BBC's own archive from 1938 to '92)?

A. That is Medici Arts Limited in the U.K.

Q. How about the same question for the Royal Opera House Heritage series, the official Covent Garden opera archives from the early 1950s to 1997?

A. Medici Arts Limited, the U.K.

Q. Which of the companies offers the "mid price" -- excuse me. Do you see in the second page of Exhibit 21 there is a reference to -- it's under CD, almost in the middle of that section. There is a reference to "The mid-price Medici label." Do you have any understanding as to what that reference is to, "The mid-price Medici label"?

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A. You want to know what company is engaged in that?

Q. Yes.

A. Medici Arts Limited in the U.K.

Q. I'm old enough to have grown up with 45s. I remember when the record industry involved records. I think that's where "label" came from. Does the term in your experience "label" have meaning in the recording industry? It's not the record industry anymore. What does a knowledgeable person call what we used to call the record industry?

A. What Medici Masters is is a -- we have an individual in London who is an expert in the great performances of the past. So he will go into the archives of radio stations, he started at the BBC, who has recorded since the beginning of recording technology every radio broadcast. So hundreds of thousands of hours of content of which most is not marketable. But this guy loves to do this. And he is an expert. And he can

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extract from these archives, whether it's the BBC or WDR, what he feels are outstanding performances, great artists. So he will go find them. He will license them. And he will issue them on a CD.

Q. I want to go back to a definition. Does the word "label" -- let me start with the first question. When I was a kid, we used to refer to the recording industry and the record business. Nobody sells records anymore other than to collectors. What is the right term for what used to be the record business?

A. You want to know what the word "label" means in this context?

Q. No. I want to know what I should use instead of the word "record business." I guess the Recording Industry of America is still around. Should we call it recording industry?

A. I think the record business is still accurate.

Q. Good. Okay. In the record

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business, does the word "label" have meaning to someone who works in the record business?

A. Yes.

Q. Are artists typically associated with a label?

A. Yes.

Q. So what is a label?

A. A label is the vehicle through which record companies release their products.

I think in this particular case, the name "Medici Masters" as a label has very little relevance to the actual product, in that these are driven by people -- people who buy them are interested in the artists on which the recording was made. They are also very specifically identified to archival recordings. So someone looking at the Medici Masters CD is going to first look at the actual artist and recording. And then he will determine whether or not that's interesting. And it's very

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specialized, very niche-oriented. Someone who wants to listen to a recorded radio performance in 1957, for example, that's a peculiar individual.

Q. Not quarreling with anything you just said. But would it be fair to characterize "Medici Masters" as a label? I'm not asking you to assess its consumer appeal. Yes or no? Is it a label?

A. I would have to say in the context of how you are comparing the term to the record industry, I don't think it could be construed as a label, because it's not like Decca or Deutsche Grammophon or Philips. I think those are labels that do a variety of things with artists. This does one very narrow kind of product.

Q. What about "Medici Arts"? Is that a label?

A. You know, you ask a very interesting question in the context of the recording industry today, what are labels? It's very hard to answer that.

Q. Well, can you? Can you tell me

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yes or no whether "Medici Arts" is a label?

A. I think you would have to ask the guys in Germany and France who deal with this day in, day out as to their intention in using the name.

For me, again, as a shareholder of the business, those decisions are left to the operating management and how they position Medici and the Web site.

I can say to you the attraction of the name to them had to do with their European heritage, the fact that Medici is a famous European family that were patrons of the arts. And they thought it represented what they were about.

Q. If you turn to the third page. I think it's the third page. It's not the third page. Let me count again. It is the third page. I stand corrected. In almost the middle of the page, there appears the following sentence: "Medici Arts comprises a team of 50 people around the world (USA, Germany, France and the

United Kingdom) committed every day to developing the company."

Are you one of those 50 people?

A. Well, not in the operational context. But if they want to make a production that requires capital or some sort of financing, they have to come to me to get the money and to get it approved.

Q. About how many days a week do you devote to "developing the company"?

A. My role is in the strategic area. So I would look at an acquisition. So, for example, we acquired Ideale Audience in France. So I would be involved in identifying what would fit with our distinct operations. I would be involved in, as I said, the financing of the business. So anything to do with capital or investment in the company comes across my desk. So occasionally I get very involved if it's something like an acquisition that's happening. Day to day, I have no involvement in this business.

Q. During the past 12 months,

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approximately how much time have you devoted to "developing the company"?

A. Well, in the specific context of what I just said, acquisitions, financing --

Q. That's not my question. My question is far broader than that.

A. Okay.

Q. Developing the company means anything -- I'll withdraw the question.

Do you understand what the phrase "develop a company" means?

A. I do.

Q. It can embrace things at a very senior executive level that involves things other than acquisition, correct?

A. My role is limited to working on identifying, negotiating, closing acquisitions and anything to do with financing the company, either debt or equity. That's it.

Q. So my question is: During the last 12 months, approximately how much time have you devoted to developing the

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company?

A. I've spent zero time on the day-to-day operational management of the business. I don't do that. I've spent maybe a cumulative over the last year 30 to 45 days out of the entire year focused on the strategic development of the company.

Q. If you would turn to the very last page of this exhibit, which is still in the printed section, at the very bottom, you will see that both your name and Mr. Baer's name appears. Can you tell me why that is?

A. I think they were giving me credit for finding some investment capital to support this Web site. It certainly wasn't -- I didn't asked for it.

Q. Let me show you Exhibit 38. The first question is do you recognize it?

A. Yes.

Q. You recognize it as part of the EuroArts Web site?

A. Yes.

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Q. When is the first time you saw this?

A. I don't recall.

Q. If you look at the second page of this exhibit, you will see a reference to EuroArts Music North America, Mr. Baer's name and an address at Madison Avenue?

A. Yes.

Q. Can you tell me why this information -- by the way, this was downloaded last night too. Can you tell me why this information appears on the Web site now?

A. Again, I think that it has to do with Tom's relationship management role for certain business activities of EuroArts Music International. So, for example, the Pyongyang concert, which we have already discussed, Tom has a relationship with the music director at the New York Phil. I think it's mostly a social relationship, but a relationship nonetheless. So Tom referred the

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capability of the company to the New York Phil's upcoming concert in Pyongyang and "Gee, shouldn't we record this for posterity?" That was the extent of Tom's involvement. It was then handed off to EuroArts. So I think from EuroArts' perspective, the acknowledgment that we have a consultant in New York is something they put on the Web site.

Q. Does EuroArts have a management board?

A. EuroArts Music International. EuroArts is held by a German holding company, again, similar to the B.V., similar to the LLC. In Germany our assets are held by EuroArts Media, Medien is Media, GmbH.

Q. I actually knew that. But thank you for explaining it.

If you look at the bottom of the second page of Exhibit 38, you will see a reference in boldface type to a "management board." Do you see that?

A. Yes.

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Q. You see immediately under that in boldface type your name appears followed by the names of some other individuals. Do you see that?

A. Yes.

Q. Can you tell me to what entity this management board refers?

A. Well, it's identifying me as CEO of Medici Group. I don't think it's referring to any particular management board. I think it is identifying me, Joe and Bernd as the -- Bernd is actually the managing director of EuroArts Medien GmbH.

Q. Let me just --

A. For purposes of Web site correspondence. Nothing more than that.

Q. For the court reporter's benefit, Bernd is spelled B-e-r-n-d.

I take it you are acquainted with Jo Navarro?

A. Yes.

Q. CFO I understand to be an acronym for chief financial officer. Is that consistent with your understanding?

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A. Yes.

Q. What is Medici Group Europe?

A. She is responsible -- there isn't a Medici Group Europe. There is no entity Medici Group Europe. But she is responsible for all of the operations that Medici Group owns from a financial perspective in Europe. So she is my person in Europe at the holding company level that is engaged in the financing of the company.

Q. Does she have --

A. And providing capital resources to the company.

Q. I apologize for interrupting. And could we take a five-minute recess? Is that okay?

MR. KORNSTEIN: Sure.

(Recess: 11:28 to 11:34 a.m.)

Q. So there is no Medici Group Europe, correct?

A. No.

Q. Does Ms. Navarro have a functional counterpart with financial

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responsibilities relating to activities in
North America?

A. No, because there are no
activities in North America in the music
side of the business. In the post
production side of the business or IT
services side, I have a chief financial
officer in Los Angeles.

Q. Is there any company owned
directly or indirectly by Medici Group,
LLC that is involved in the distribution
of recordings in the United States?

A. Involved? No.

Q. That was what I expected your
answer to be. For example, just using
Exhibit 18 as an example, Exhibit 18 in
its entirety was physically created
outside of the United States, correct?

A. As far as I know.

Q. Now, the reference in Exhibit 38
to a management board is also an error,
correct?

A. No such management board exists.

Q. Are you personally involved in

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the management of any entity having as
part of its name EuroArts?

A. Say that again. I want to get
that correct.

Q. Let me see if I can make a
better question.

Are you a manager of any entity
having as part of its name the word
"EuroArts"?

A. I am a managing director of the
German holding company that holds EuroArts
Music International. I am not involved in
any management role in any operating
company.

Q. Could we briefly go back to
Exhibit 33, Mr. Kornstein's letter. I
want to identify in the chart, if we
could, the company, German holding company
to which you just referred. I'm sure it's
on here. But let's make sure we agree to
which entity.

A. EuroArts Medien GmbH.

Q. That's on page 3 of 3?

A. Yes.

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Q. And that is a company that is
owned at the moment directly by Medici
Arts, B.V.?

A. Correct.

Q. And are you affiliated in any
way with Medici Arts Limited U.K.?

A. No.

Q. How about Ideale Audience Group
S.A.?

A. When you say "affiliated," what
does that mean?

Q. Are you a manager of Ideale
Audience?

A. No.

Q. Do you have any title with
Ideale Audience?

A. No.

Q. Is your only affiliation with
Ideale Audience as a consequence of your
affiliation with Medici Arts, B.V. which
at the moment owns Ideale Audience?

A. I believe that's correct, yes.

Q. Actually while we are on page 3
of 3, let's -- you told me about Medici

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Group. Who are the members of Medici
Arts, LLC?

A. I believe I am the sole member
of Medici Arts, LLC.

Q. Medici Arts, B.V. is the Dutch
and Mr. Baer. You talked about that?

A. Yes.

Q. To be determined acquisitions
USA/Canada. That's an entity which is
contemplated but doesn't yet exist?

A. Yes. We have made no
acquisitions in the U.S. or Canada.

Q. Also on page 3 of Exhibit 33 is
what looks like a future company which is
described as "licensing deal Lincoln
Center Library"?

A. Yes.

Q. What is that about?

A. That is a proposed contract that
has not been executed with Lincoln Center.

Q. Is Mr. Baer involved with that
in any way?

A. Yes. He was the relationship
builder between the company EuroArts Music

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1 ROBERT T. WALSTON
2 International and Lincoln Center.
3 Q. In Concert Productions, LLC, is
4 that a real company in the sense that it
5 actually exists and does something?
6 A. The only thing it does is it
7 holds a license for a library of 550
8 popular music television programs.
9 Q. When you say "popular," what do
10 you mean?
11 A. Rock, classic rock. Do you
12 remember "In Concert," the late-night
13 television show?
14 Q. I do, sir.
15 A. So it's that. But it is
16 inactive in the sense of having employees
17 and operations. EuroArts Music
18 International has a distribution agreement
19 with that entity, and they distribute
20 those assets in Europe and elsewhere.
21 Q. Before we broke a while ago, you
22 testified about they, gave some reasons
23 why "they" liked the Medici name. And I
24 forgot to ask you who the "they" was who
25 chose the name.

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1 ROBERT T. WALSTON
2 appearing there is a fellow by the name of
3 Heiko Burkardmaier. Are you acquainted
4 with this gentleman?
5 A. Yes.
6 Q. What does he do?
7 A. He is the local general counsel
8 for EuroArts Medien and EuroArts Music
9 International.
10 Q. Does he have anything to do with
11 Medici Arts?
12 A. Occasionally we would ask him to
13 do something outside that, outside Germany
14 that could relate to Medici Arts. But
15 that's rare.
16 Q. How does the scope of
17 Mr. Burkardmaier's responsibilities
18 geographically compare with those of
19 Ms. Navarro's?
20 A. Heiko is in Germany. He rarely
21 is involved with anything outside of
22 Germany. Jo is responsible for the
23 financial administration of both groups.
24 So meaning the production and distribution
25 company and the IT media services company.

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1 ROBERT T. WALSTON
2 A. The European management team.
3 Q. Do you know who they are?
4 A. Certainly.
5 Q. Could you tell me their names?
6 A. The head of distribution is
7 Bernd Hellthaler.
8 Q. Who else?
9 A. Herve Boissiere.
10 Q. Who else?
11 A. That's it.
12 Q. Do you know whether before
13 choosing this name they conducted a
14 trademark search?
15 A. Don't know.
16 Q. Just yes or no. Has any company
17 in Medici Group, LLC ever sought legal
18 advice from Mr. Baer?
19 A. I've certainly consulted with
20 Tom on matters of legal analysis on a
21 variety of issues. I guess that would be
22 legal advice.
23 Q. Do you know if -- I'm going back
24 to the reference in page 38 to the
25 nonexistent management board. Also

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1 ROBERT T. WALSTON
2 So she oversees all things financial for
3 both groups.
4 Q. Let me show you Exhibit 29,
5 which is, again, a very current download
6 from a portion of Medici Arts' Web site.
7 Excuse me. EuroArts' Web site. I
8 apologize.
9 Are you familiar with this, sir?
10 Have you seen it before?
11 A. I don't recall seeing it before.
12 But it appears to be from the EuroArts Web
13 site.
14 Q. At the very bottom -- and a part
15 of the EuroArts Web site relates to
16 Elektrofilm, does it not?
17 A. Yes. Well -- yes.
18 Q. If you go to EuroArts' Web site,
19 I think there are various things you can
20 click on. One of the options, if you move
21 the mouse and click on it, provides
22 information about Elektrofilm. Are you
23 familiar with that?
24 A. Yes.
25 Q. At the bottom of Exhibit 29, it

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1 says, "In its history, the group has won
2 numerous creative awards and accolades,
3 including" and it goes on to say.

4 Can you tell me what companies
5 are in the "group" to which reference is
6 made in the Web site?

7 A. This sentence specifically
8 refers to EuroArts Music International
9 GmbH. If you recall the tax restructuring
10 discussion that we had about the media
11 services and the music business
12 restructuring, when we acquired EuroArts
13 Medien GmbH, EuroArts Medien itself being
14 a holding company owns EuroArts Music
15 International and a post production
16 company and two unrelated businesses. So
17 the restructuring was designed to take out
18 of the ownership chain in the music
19 business the media services business and
20 move those to Mosaic and have the music
21 business owned by Medici Arts, LLC. So
22 historically Elektrofilm was owned by
23 EuroArts Medien GmbH.

24 Q. There is a reference to an Emmy
25

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1 in this Web site. Are you familiar --
2 actually there is a reference to a series
3 of awards. Are you familiar with any of
4 them?

5 A. I'm familiar with the Emmy Award
6 which was won by Paul Smaczny, head of
7 production at EuroArts Music
8 International.

9 Q. That was for production. It had
10 nothing to do with the artist. You can
11 win an Emmy for being an artist and you
12 can win an Emmy for being in production.
13 And this was a production Emmy. Do I have
14 that right?

15 A. This was an Emmy Award for the
16 production of a program in Ramallah,
17 Palestine. So the program won the Emmy
18 Award, the content itself. And Paul as
19 the producer, who is our head of
20 production, was the person who received
21 the award on behalf of the program that he
22 produced.

23 Q. Do you know under what label
24 that program was marketed?
25

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1 A. I don't know. It was I believe
2 2006. Produced in '05 and '06 release, if
3 my memory serves me, and would fall under
4 the EuroArts Music International
5 production slate and DVD distribution.

6 Q. Do you know anything about the
7 two Emmy nominations?

8 A. I don't.

9 Q. How about the Peabody Award?

10 A. I don't.

11 Q. Grammy nomination?

12 A. No.

13 Q. National Education Award USA?

14 A. No.

15 Q. I'm going to show you a series
16 of downloaded pages from the following Web
17 site: [Http://Medicimedia.com](http://Medicimedia.com). Before I
18 show you the exhibits, are you familiar
19 with a Medicimedia.com Web site?

20 A. No.

21 Q. I'm going to show you Exhibit
22 39. I'm telling you that's from where it
23 was downloaded. And maybe you are
24 familiar with it, maybe not. Have you
25

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1 seen that before?

2 A. No.

3 Q. Do you have any explanation why
4 the copyright notice of this document is
5 in the name of Medici Group?

6 A. No.

7 Q. Let me show you Exhibit 24, a
8 different page from the same Web site.
9 Have you seen this before?

10 A. No.

11 Q. Do you have any explanation as
12 to why the copyright notice is in the name
13 of Medici Group?

14 A. No.

15 Q. Let's look at Exhibit 23,
16 another downloaded page from the same Web
17 site, which is Medicimedia.com. Do you
18 have any explanation as to why the
19 copyright notice on this page is in the
20 name of Medici Group?

21 A. No.

22 Q. And last but not least is
23 Exhibit 25. Have you seen this one
24 before?
25

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1 A. No.

2 Q. Any explanation as to why the

3 copyright notice is in the name of Medici

4 Group?

5 A. No.

6 Q. Do you know if the Medici Group

7 has registered with the United States

8 Patent and Trademark Office or elsewhere

9 any of the copyrights as to the notices

10 I've just shown you, relating to the

11 notices I've just shown you?

12 A. No.

13 Q. Let's look at Exhibit 40. This

14 is from again last night.

15 www.MediciArts.co.uk. Are you familiar

16 with that Web site?

17 A. Not familiar with the Web site.

18 Q. Are you familiar with a company

19 called Medici Arts Limited?

20 A. Yes.

21 Q. The first page of Exhibit 40 is

22 a description of "About us." I'd like to

23 go through this with you and find out

24 whether you know if any of it is accurate.

25

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1 So I want you to take a chance and read it

2 and work our way through it.

3 (Witness reviews document.)

4 A. Okay.

5 Q. Is Medici Arts a producer and

6 distributor of music and arts related to

7 audiovisual programs?

8 A. No.

9 Q. It's not?

10 A. No.

11 Q. What is it?

12 A. Well, it's not identified here

13 what physical entity or what specific

14 entity. B.V. isn't identified. The LLC

15 isn't identified. But I can tell you the

16 only producer and distributors of music

17 and arts related to audiovisual programs

18 in our group are EuroArts Music

19 International GmbH and the Ideale Audience

20 Group.

21 Q. Are you familiar with an

22 acquisition by one or more of the

23 companies in Medici Group, LLC of the

24 audiovisual division of IMG Artists in

25

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1 January of last year?

2 A. I'm familiar with the creation

3 of Medici Arts U.K. Limited to acquire the

4 assets of -- certain assets of IMG

5 Artists.

6 Q. Was that in January 2007?

7 A. On or about that.

8 Q. And what entity did you create?

9 A. We created Medici Arts Limited,

10 Medici Arts U.K. Limited, to make that

11 acquisition.

12 Q. What was the object of the

13 acquisition? What did you buy? What did

14 you get for your money?

15 A. We bought inventory; in other

16 words, CDs that had already been made.

17 And we acquired a noncompete so that IMG

18 would no longer continue in the production

19 of CDs in this area. And we acquired

20 IMG's portion of a distribution contract

21 that they had with EMI on DVD material.

22 Q. What was your personal

23 involvement, if any, with this

24 transaction?

25

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1 A. To review the due diligence

2 material that was prepared for me. To

3 approve the price which was offered. And

4 I had one meeting with the finance

5 director at IMG, a lunch meeting, to

6 essentially make the deal conceptually

7 which was then executed by others.

8 Q. Within the last two years in

9 connection with this or any other

10 transaction, have you been involved in

11 activities whose goal was to raise money

12 for the business of Medici Group, LLC or

13 any of its affiliates?

14 A. Yes.

15 Q. Were you successful in obtaining

16 either loans or some other form of

17 investment?

18 A. Yes, we were successful in

19 obtaining financing from our current

20 members and expanding the member group and

21 the bank financing.

22 Q. In connection with soliciting or

23 seeking these investments, did you provide

24 investors and potential investors with any

25

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1 ROBERT T. WALSTON
2 writing that described the use of proceeds
3 of their investment?

4 A. We provided financial
5 statements. And I met with them to
6 describe what we were doing in the
7 business.

8 Q. You never provided them with any
9 writing that said, in the English language
10 that says this is what we have done and
11 this is what we propose to do?

12 A. I prepare typically a PowerPoint
13 presentation to advise our members of what
14 is happening in the business.

15 Q. How often do you prepare those
16 PowerPoint presentations?

17 A. About once a year.

18 Q. In order of magnitude, again all
19 of this is confidential, about how many
20 investors are there?

21 A. I listed them for you.

22 MR. KORNSTEIN: Those are the
23 members.

24 Q. That's it. Period?

25 A. That's it.

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2 Q. And these people invested in
3 which entity?

4 A. They are invested in both
5 businesses. So Mosaic and Medici Arts.

6 Q. But they are not members of
7 Group, LLC?

8 A. They are members of Group, LLC.
9 The common thread between the two entities
10 is the shareholder group.

11 Q. When is the last time you
12 prepared a PowerPoint presentation?

13 A. I don't recall. But within the
14 last year.

15 Q. Do you remember what the first
16 slide says?

17 A. No.

18 Q. Does it say "Medici Group, LLC"?

19 A. I don't recall.

20 Q. Do you recall discussing in the
21 last year with members the topic of
22 launching a "new label"?

23 A. No.

24 Q. What role, if any, have you
25 played in connection with Medici Arts U.K.

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1 ROBERT T. WALSTON

2 Limited after the acquisition? You told
3 me about the acquisition. I don't mean to
4 take you back over that road.

5 A. Only reviewing financial
6 results.

7 Q. Do you know if it's possible to
8 purchase from a Medici Arts U.K. Limited
9 Web site the recordings that bear a
10 trademark or bear the name "Medici" on
11 their packaging?

12 A. I don't know. I've never done
13 it.

14 Q. Let's look at Exhibit 26. First
15 one is have you seen it before?

16 A. I don't recall seeing it before.

17 Q. Who is in charge of preparing
18 press releases issued out of your Burbank
19 facilities?

20 A. There is no such person.

21 Q. Look at the bottom of this
22 exhibit. Your name appears with the title
23 "Chief Executive Officer of Elektrofilm
24 Group." Do you see that?

25 A. Mm-hmm.

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1 ROBERT T. WALSTON

2 Q. What is Elektrofilm Group?

3 A. Let's see. The date of this is
4 April '06. In April '06, the media
5 services operations consisted of the
6 Burbank business, which was a startup, and
7 the German operation in Berlin. And I
8 believe the Munich operation had been
9 acquired in January. So Berlin, Munich,
10 Los Angeles. Three facilities.

11 Q. Is the "Elektrofilm Group" a
12 juridical entity, a company?

13 A. No.

14 Q. It's just a shorthand for some
15 combining of things ultimately owned by
16 Medici Group, LLC?

17 A. Yes.

18 Q. With respect to your testimony a
19 moment ago, if you look at the upper
20 left-hand corner of this exhibit, there is
21 a reference -- you mentioned Berlin, you
22 mentioned Munich, you obviously mentioned
23 Burbank. There is a reference to
24 Stuttgart. Should that have been included
25 in your testimony?

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1 A. Stuttgart is a -- yes, it's a
2 very small location with five or six
3 people. But there are services provided
4 there. From a financial point of view, we
5 get next to nothing out of Stuttgart. So
6 it doesn't rise to my level of scrutiny.

7 Q. Can you explain the reference in
8 this exhibit to "TMT"? I recognize
9 Munich, Berlin and Stuttgart. TMT, I've
10 never gone there on my vacation.

11 A. TMT is the facility in Munich.
12 Taurus Media Technique.

13 Q. Let's look at Exhibit 27. Do
14 you recognize this? Have you seen it
15 before?

16 A. I don't recognize it.

17 Q. There is a reference in the
18 first sentence to Medici Arts, B.V. Group.
19 Do you see that?

20 A. I do.

21 Q. Let's go back to Exhibit 33,
22 which includes the corporate chart. The
23 Medici Arts Group, I'm going to work from
24 page 3 back, includes everything?

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1 ROBERT T. WALSTON
2 A. Medici Arts, B.V.
3 Q. Medici Arts, B.V.
4 A. There is no group.
5 Q. I'll start again. Plaintiff's
6 Exhibit 27 refers to "The Medici Arts,
7 B.V. Group." I'm trying to figure out to
8 what companies that references. And to do
9 that, I have looked back to the table
10 which is part of Exhibit 33. And I'm
11 going to work from the last page forward.

12 Is it not accurate to say that
13 Medici Arts, B.V. owns everything on this
14 page other than Medici Group, LLC and
15 Medici Arts, LLC USA, either in whole or
16 in part?

17 A. That was a long question.

18 Q. I'm trying to figure out what
19 companies below the line are owned by
20 Medici Arts, B.V. And my theory is all of
21 them are. On page 3. Correct?

22 A. You are looking at this?

23 Q. Yes. I'm looking at that. I'm
24 looking at page 3.

25 I'm correct in my understanding

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1 ROBERT T. WALSTON
2 that the only thing on page 3 that Medici
3 Arts, B.V. did not own or does not own, I
4 should say, subject to working out the tax
5 thing, is Medici Group, LLC and Medici
6 Arts, LLC USA, correct?

7 A. Let me clarify that. At the
8 time this exhibit, what you have here in
9 Exhibit 27, if you see the EuroArts Medien
10 GmbH Germany holding company.

11 Q. I don't see that.

12 MR. KORNSTEIN: He meant 33.

13 MR. BAINTON: I'm sorry. I
14 apologize.

15 Q. I do see that. It's down the
16 chain a bit.

17 A. At the time, Elektrofilm Berlin,
18 TMT Munich, and the Stuttgart facility
19 that you reminded me of and the fourth
20 location in Potsdam -- which is basically
21 adjacent to Berlin, so I refer to them as
22 Berlin -- were owned in the EuroArts
23 Medien GmbH group, which was then in turn
24 owned by Medici Arts, B.V.

25 Q. Okay.

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1 ROBERT T. WALSTON
2 A. So the restructuring of the
3 business has now transferred the media
4 services assets into its own ownership
5 structure with a -- I think we have that.
6 Yes. We have that on page 2 of 3 -- with
7 a new German holding company, Mosaic
8 Digital Studios GmbH. You see the German
9 facilities underneath it.

10 Q. You in your answer I believe
11 referred to "at the time." What do you
12 mean at the time?

13 A. What I mean is at the time this
14 was written. It hasn't been updated. I
15 don't know how current this is.
16 Elektrofilm is not today part of the
17 Medici Arts, B.V. group. It's part of its
18 own Mosaic Digital Studios group.

19 Q. Just in fairness, I really was
20 trying to think of a way that we could
21 have done this with a big screen and a
22 computer. But I can tell you timewise and
23 represent to you that Exhibit 27 was
24 downloaded and printed last night.

25 A. It's never been updated.

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Q. So it's inaccurate?

A. It's inaccurate.

Q. I understand. I think I now follow you. I'm not trying to be thick. I'm coming back to page 2 of 3.

A. Yes.

Q. Your point is that, if I come down the middle of the page, I find my way to Mosaic Digital Studios GmbH. I go down the tree a bit and find Elektrofilm post production facilities GmbH.

A. That's right.

Q. The reference in Exhibit 27 to simply Elektrofilm is more precisely a reference to Elektrofilm post production facilities GmbH. Do I have that right or have I misunderstood you?

A. You have that right. It's actually referencing the Munich TMT Berlin.

Q. I don't see. Munich, Berlin. Yes, I see that.

A. Burbank. Those are the media services facilities that were part of the

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Medici Arts, B.V. group that are no longer part of the Medici Arts, B.V. group.

Q. Staying on page 2 of the organizational chart, who owns the facilities in Burbank? Certainly not the German group.

A. No. You see Elektrofilm, LLC. It's owned by Mosaic Digital Studios, LLC. That's who owns the Burbank operation.

Q. So Elektrofilm, LLC USA has the Burbank facility?

A. Yes.

Q. Do you think it would be fair to include the Burbank facility and the German facilities within the reference that appears on the current Web site to positioned internationally as a company of a group?

A. Yes. But not that one.

Q. But not this one. Okay. So it's just inaccurate. I follow you. I really do.

A. So all Medici Group owns is Mosaic Digital Studios, LLC and Medici

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Arts, LLC, those two LLCs, which in turn own everything else in their respective business units.

Q. Let's look at Exhibit 28. I put a pen mark next to the paragraph I want to talk about. This is, again, last night download from the Web site. It says, "As businesses and technologies converge at a dizzying pace, Elektrofilm is ready to guide content owners, producers and distributors worldwide through the digital evolution."

Can you explain what the notion of businesses and technologies converging at a dizzying pace means?

A. What is happening in the media entertainment industry generally is that television programs, feature films are captured on physical media. So feature film is still today captured on film stock. Many television programs are also captured on film stock. Some are captured on videotape. But the majority of the programs we see here in the United States

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originate on film. And the distribution of those assets is, I think, referring to the dizzying pace of digital delivery requirements.

So, for example, if you want to look at a download of a television show on your video iPod or you see a clip of a movie on your cell phone or you see any broadcast of that, of a TV show or a film, that has been converted from its original capture media to distribution media in what is literally a dizzying array of distribution formats.

Q. Would you agree that the future of the audiovisual industry is moving toward downloads and sooner or later record stores are not going to be around anymore?

MR. KORNSTEIN: Objection to form.

Q. I'll fix the question. Would you agree that the trend in the audiovisual industry is toward downloading as opposed to purchasing physical things

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2 such as Exhibit 18?
3 A. I think that the --
4 MR. KORNSTEIN: I just note an
5 objection. You may answer.
6 A. I think that the -- I think it
7 depends on what content it is. But I
8 think generally speaking, digital
9 distribution is more efficient, more cost-
10 effective, and can actually result in the
11 creation of a physical asset. I just
12 think between the capture of the media
13 itself and between the consumer, the
14 process of getting there is becoming more
15 efficient and quicker, aided by digital
16 technology.
17 Q. And am I right -- because you
18 have forgotten more about the subject than
19 I know -- digital technology involves
20 transmission, for example, via the
21 Internet. Am I right in understanding
22 that that's what you are saying?
23 A. Not always.
24 Q. But the majority of the time?
25 A. Well, the Internet does not yet

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1 ROBERT T. WALSTON
2 give you the ability to see content in its
3 native high-resolution form, nor does it
4 give you the ability to view it
5 comfortably on your television set in its
6 high-resolution form. So the Internet has
7 some very significant limitations. So in
8 the context of classical music and arts,
9 content quality is a major issue.
10 Q. Right.
11 A. So the ability to access that
12 and watch a program on your screen is
13 interesting but does not yet provide the
14 full experience of what can be seen on
15 broadcast television today.
16 Q. I think I understand. Let me
17 quit while I'm ahead. I think I
18 understand.
19 Exhibit 30.
20 (Witness reviews document.)
21 A. Okay.
22 Q. This is a press release of, I
23 guess, November 2, '06. Correct?
24 A. Yes.
25 Q. Reference to you again as "Chief

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2 Executive Officer of Elektrofilm Group,"
3 correct?
4 A. Yes.
5 Q. That's advertising hyperbole.
6 There is no Elektrofilm Group, Inc. and
7 you are not a chief executive officer of
8 anything formally?
9 A. Correct.
10 Q. Now, are the remarks attributed
11 to you correct? Did you say in substance
12 those words?
13 A. This particular quote in this
14 press release was provided to me. I
15 approved it, this particular quote, my
16 portion of it.
17 Q. I'm only focused on this one
18 paragraph by which I've drawn a line for
19 you. It says "Robert T. Walston, Chief
20 Executive Officer of Elektrofilm Group
21 stated." So the quote is accurate?
22 A. The quote is accurate.
23 Q. To what were you referring when
24 you referred to "our core competencies"?
25 First of all, who is "our"?

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1 ROBERT T. WALSTON
2 A. The member companies in the
3 media services segment of the business.
4 Q. And that would be -- are we back
5 to page 2 of the chart?
6 A. We are back to page 2 of the
7 chart.
8 Q. So the "our" is the companies
9 that appear on page 2 of the
10 organizational chart, correct?
11 A. That's correct.
12 Q. The core competencies are what?
13 A. Digitization of content. So
14 turning that original master film element
15 into a digital form. The restoration of
16 original material. The editing and
17 repurposing of the original material for
18 digital distribution. And similar
19 services. Those are the competencies of
20 the media services group.
21 Q. What is the "global services
22 platform"?
23 A. We have at the time covered the
24 U.S. and Europe. So we spent a fair
25 amount of time between Los Angeles and

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1 Munich and Berlin making sure that the
2 companies are working together. So we
3 viewed it as a, where those facilities are
4 resident, a platform.

5 Q. So the platform refers to where
6 the companies are located, not where the
7 customers are located?

8 A. Right.

9 Q. Where are the customers located?

10 A. In Germany. Most of the clients
11 are from Germany, operate in Germany and
12 are German companies. I would say a small
13 minority of the business done in Germany
14 originates from the major U.S. studios who
15 are distributing product in Europe, their
16 content in Europe. And in Burbank, which
17 is the heart of the U.S. entertainment
18 industry, our clients are the major
19 studios. So Walt Disney Company, Warner
20 Brothers, Universal Studios, Sony
21 Pictures, MGM. All located within a very
22 short distance from our facility in
23 Burbank.

24 Q. I gather from your earlier

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1 testimony you haven't seen that. If we
2 opened Exhibit 18, we would find that to
3 be inside.

4 MR. KORNSTEIN: You are
5 referring to exhibit number?

6 MR. BAINTON: Right.

7 MR. KORNSTEIN: It's Exhibit 20.

8 Q. I'm talking about Exhibit 20.
9 And I'm saying if we opened up Exhibit 18
10 and took the shrink-wrap off, I'm telling
11 you we would find a pamphlet or booklet
12 identical to Exhibit 20.

13 A. Okay.

14 Q. If you look in the back page,
15 you see Mr. Baer gets credit. The very
16 back page. It should be right next to
17 that green tab, which is why the green tab
18 is there.

19 A. Yes.

20 Q. Do you know why Mr. Baer got
21 credit for this production?

22 A. He was involved very early in
23 the process with the New York Philharmonic
24 and was really responsible for the

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1 connection between the New York
2 Philharmonic and the company that actually
3 produced it, EuroArts Music International.

4 Q. If you turn the page over, you
5 will find they get some credit too.

6 A. I'm sorry? Where?

7 Q. If you turn the page, I can show
8 it to you, you will find that EuroArts
9 Music International GmbH also gets some
10 credit in that exhibit.

11 A. Right.

12 Q. To your knowledge, did or does
13 Mr. Baer have a financial interest in this
14 production, the creation of Exhibit 18?

15 A. None that I'm aware of.

16 MR. BAINTON: Can we take like
17 ten minutes to go collect my thoughts? I
18 think we are almost finished.

19 (Recess: 12:31 to 12:44 p.m.)

20 Q. We talked a little bit before
21 about labels. And I'm going to mention
22 some names to you, and I'd like you to
23 tell me if you recognize them as being a
24 "label." Sony. Is that a label? Do you

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1 recognize Sony as a label?

2 A. Personally I don't. It has a
3 corporate meaning to me.

4 Q. How about BMG-RCA?

5 A. Same thing for me.

6 Q. Does the phrase "Naxos/Marco
7 Polo" mean anything to you?

8 A. No.

9 Q. Warner? Do you recognize Warner
10 as a label?

11 A. I recognize the corporation
12 Warner.

13 Q. But Warner -- the answer is
14 whatever the answer is, sir. But we did
15 talk about labels. And I'm curious if any
16 of these names you recognize as a label.
17 And Warner is one. Do you recognize
18 Warner as a label? Yes or no?

19 A. Personally, I recognize Warner
20 as the corporate entity it is.

21 Q. I understand that. But do you
22 recognize it as a label?

23 A. No. Warner is a music company.

24 Q. Hyperion Records?

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1 A. No.

2 Q. Acadia? Same question.

3 A. No.

4 Q. Harmonia Mundi? Actually I'll

5 withdraw that one.

6 Does the phrase "Nascor and

7 Naxos" mean anything to you?

8 A. No.

9 Q. Does Nascor mean anything to

10 you?

11 A. No.

12 Q. Naxos is a distributor?

13 A. Naxos is the distributor, yes.

14 Q. EMI?

15 A. Record company.

16 Q. But not a label? The question

17 is: Do you recognize EMI as a label?

18 When used in a sentence, "So and so

19 records on EMI," have you ever heard that

20 phrase?

21 A. Yes. "I have a recording

22 contract with EMI."

23 Q. But you don't recognize that?

24 A. I'm just the wrong person to ask

25

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1 about labels. I recognize the corporate

2 entity.

3 Q. Do you recognize Warner as a

4 name that sometimes appears on packaging

5 containing recordings?

6 A. I presume it does. I have no

7 specific knowledge. I have never bought

8 or recall buying anything because it had a

9 Warner label. So it's just not relevant

10 to me.

11 Q. Okay. Are you aware that

12 recordings can be purchased via

13 third-party Web sites?

14 A. Yes.

15 Q. Have you ever heard of a company

16 called or a distributor called Qualiton

17 Imports, Ltd.?

18 A. No.

19 Q. How about Musikwelt?

20 A. No.

21 Q. Metronome?

22 A. No.

23 Q. The Web site address for

24 Qualiton is www.qualiton.com. I assume

25

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1 the same answer. You never heard of it?

2 A. No.

3 Q. The Musikwelt Web site is

4 www.musikw@st-online.net, much means

5 nothing to you?

6 A. No.

7 Q. Have you heard of a record

8 distributor called Stradivarius at

9 Stradivarius.it as a purveyor of

10 recordings on the Internet, that can be

11 purchased via the Internet?

12 A. No.

13 Q. I'm going to show you Exhibit 44

14 and you ask to turn to page 42, which the

15 top page is a DVD review.

16 MR. BAINTON: Dan, I only have

17 two copies. So you have to share.

18 MR. KORNSTEIN: That's okay.

19 Q. You come to the line just above

20 the name Robert Dumm, who is a reviewer.

21 You will see in parentheses the phrase or

22 the numerals (VAIMS0019). Do those

23 numbers have significance to you?

24 A. No.

25

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1 Q. Are you familiar with the

2 publication "Clavier"?

3 A. No.

4 Q. Could you tell me a little bit

5 more about what you described as

6 Mr. Baer's relationship with the New York

7 Philharmonic Orchestra, as you understand

8 it?

9 A. As I understand it, he has a

10 relationship with the music director.

11 Q. Mr. Maazel?

12 A. Yes. I believe it's social.

13 And I think he and Mr. Maazel discussed

14 the upcoming Pyongyang trip. And out of

15 that came a production for EuroArts Music

16 International.

17 Q. Do you know if there have been

18 any other discussions with Mr. Baer

19 regarding recording future performances

20 for the New York Philharmonic? Is there

21 anything on the table subject to

22 discussion of which you are aware?

23 A. Not that I'm aware of. It's

24 possible, but I'm not aware of it.

25

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Q. How did you first learn about

the North Korean opportunity?

A. Sometime before the actual performance, I recall Tom telling me that the New York Phil might be interested in recording it. So it was some months before the actual performance.

Q. I would think preparing to record this performance, particularly in North Korea, took a bit of planning, didn't it?

A. As I recall, it came together fairly quickly, I think perhaps more quickly than would be our typical production cycle. I recall Tom telling me how difficult it was to actually get the equipment up to Pyongyang, all of it was brought in from South Korea by a South Korean broadcaster, and just how difficult it was making those arrangements with the North Korean government. But that's the extent of my -- it's anecdotal. It was some cheerleading from me. "What a great job, guys."

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Q. Would you characterize your role

in connection with this achievement merely that of a cheerleader?

A. My role, again, is financial. So they presented to me a budget summary of what it was going to cost, the income that we would expect to derive from it, and if it met -- which it met our criteria. And the product was approved.

Q. Was the notion of offering it for sale under the Medici Arts trademark, as appears in the lower right-hand corner of Exhibit 18, discussed with you?

A. No.

Q. When did you first learn, other than this morning, that this recording was being offered for sale and packaging bearing the name "Medici Arts"?

A. First time I saw it today.

Q. Are you aware that other recordings bearing the words "Medici Arts" on their packaging are currently being offered for sale?

A. I'm aware of what is going on on

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the Web site. I have no specific knowledge of individual programs that bear the Medici Arts name. That's a decision that is made in Berlin.

Q. By?

A. Mr. Hellthaler. And in Paris Mr. Boissiere.

Q. Are you aware that recordings are being offered for sale and sold in packaging bearing the words "Medici Masters"?

A. Yes.

Q. Would you agree with me that Exhibit 4 is typical of such packaging?

A. Yes.

Q. Let me show you Exhibit 9 and direct your attention to the back of the packaging, which contains the words "Medici Arts." Are you aware that recordings in packaging similar to this are being offered for sale and sold?

A. I see it here.

Q. But other than seeing it here, you have no information?

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A. I have no involvement in defining how and when the Medici Arts name is attached to specific content. That's in the operating company. I'm a shareholder.

MR. BAINTON: That's it. We are going to work through some of these recordings and the receipts, but we don't need to waste Mr. Walston's time when we do that. So I thank you for your time and I thank you for the coffee.

MR. KORNSTEIN: No cross-examination.

(Time noted: 1:00 p.m.)

ROBERT T. WALSTON

Subscribed and sworn to before me this day of , 2008.

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VERITEXT REPORTING COMPANY

212-267-6868

516-608-2400

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
MEDICI CLASSICS PRODUCTIONS LLC,

Plaintiff

-against-

1:07-cv-09938 (RJH)

MEDICI GROUP LLC, MEDICI ARTS
LLC, EUROARTS MEDIEN GmbH,
EUROARTS MUSIC INTERNATIONAL
GmbH, MEDICI ARTS LIMITED U.K.,
IDEALE AUDIENCE GROUP, S.A.,
ROBERT T. WALSTON, THOMAS BAER
and
JOHN DOES Nos. 1 to 10,

Defendants.
----- x

STIPULATION

Medici Classics Productions LLC ("Medici Classics"), through its undersigned counsel, and Defendants Medici Group LLC ("Medici Group"), and Robert T. Walston ("Walston") (collectively "Defendants"), through their undersigned counsel, hereby stipulate and agree as follows:

1. Plaintiff's Exhibit 1 is a Haskil audio CD.
2. Plaintiff's Exhibit 2 is a Casadesus audio CD.
3. Plaintiff's Exhibit 3 is a sales receipt from J&R Music World, 23 Park Row, New York, NY 10038 for the purchase of Plaintiff's Exhibits 1 & 2 on April 17, 2008 by Ms. Irena Koblar.

4. Plaintiff's Exhibit 4 is a Kleiber audio CD.

5. Plaintiff's Exhibit 5 is a print out of sales confirmation page and an email confirmation from ArkivMusic.com for the purchase of Plaintiff's Exhibit 4 on April 14, 2008 by Mr. John Landolfi. Mr. Landolfi's shipping address is 240 West 98th Street, #13-A, New York, NY 10025 and his billing address is 304 West 98th Street, New York, NY 10025.

6. Plaintiff's Exhibit 6 is a Boult audio CD.

7. Plaintiff's Exhibit 7 is a print out of sales confirmation page from MDT.co.uk for the purchase of Plaintiff's Exhibits 6 and 8 on April 18, 2008 by Mr. Patrick Pridemore of 95 Park Terrance East, #1F, New York, NY 10034.

8. Plaintiff's Exhibit 8 is a Klemperer audio CD.

9. Plaintiff's Exhibit 9 is a Leonard Bernstein DVD.

10. Plaintiff's Exhibit 10 is an email confirmation from NaxosDirect.com for the purchase of Plaintiff's Exhibit 9 on April 17, 2008 by Mr. Asaf Blasberg of 252 West 76th Street, 1E, New York, NY 10023.

11. Plaintiff's Exhibit 11 is a Philadelphia Orchestra led by Eugene Ormandy DVD.

12. Plaintiff's Exhibit 12 is an email confirmation from NaxosDirect.com for the purchase of Plaintiff's Exhibit 11 on April 17, 2008 by Mr. Asaf Blasberg of 252 West 76th Street, 1E, New York, NY 10023.

13. Plaintiff's Exhibit 13 is a Gulda audio CD.

14. Plaintiff's Exhibit 14 is a printout of a website available at <http://www.mdt.co.uk/MDTSite/product/MM0242.htm>. The printout, dated April 24, 2008, offers Plaintiff's Exhibit 13 for sale.

15. Plaintiff's Exhibit 15 is an email confirmation from MDT.co.uk for the purchase of Plaintiff's Exhibits 14 and 16 on April 25, 2008 by Mr. Asaf Blasberg of 252 West 76th Street, 1E, New York, NY 10023.

16. Plaintiff's Exhibit 16 is a Rabin audio CD.

17. Plaintiff's Exhibit 17 is a printout of a website available at <http://www.mdt.co.uk/MDTSite/product/MM0232.htm>. The printout, dated April 24, 2008, offers Plaintiff's Exhibit 16 for sale.

18. Plaintiff's Exhibit 18 is a DVD of The Pyongyang Concert performance by the New York Philharmonic.

19. Plaintiff's Exhibit 19 is an email confirmation from ShopThirteen.org for the purchase of Plaintiff's Exhibits 18 on April 20, 2008 by Mr. Asaf Blasberg of 252 West 76th Street, 1E, New York, NY 10023.

20. Plaintiff's Exhibit 20 is an inset booklet from Plaintiff's Exhibit 18.

Dated: New York, New York
May 28, 2008

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BY: 

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Robert T. Walston*



Wolfgang Amadeus Mozart (1756 - 1791)

Piano Concerto No.9 in E flat major, K271

"Jeunehomme"

Klavierkonzert Nr. 9 Es-Dur

Concerto pour piano n° 9 en *mi* bémol majeur

Cadenzas · Kadenzen · Cadences : W. A. Mozart

- | | | |
|----------|--|-------|
| 1 | I Allegro | 10:18 |
| 2 | II Andantino | 10:32 |
| 3 | III Rondeau. Presto –
Menuetto. Cantabile – Tempo primo | 9:36 |

Kölner Rundfunk-Sinfonie-Orchester*
Otto Ackermann

Piano Concerto No.19 in F major, K459

Klavierkonzert Nr. 19 F-Dur

Concerto pour piano n° 19 en *fa* majeur

Cadenzas: W. A. Mozart

- | | | |
|----------|-------------------|-------|
| 4 | I Allegro | 12:16 |
| 5 | II Allegretto | 6:52 |
| 6 | III Allegro assai | 7:05 |

Kölner Rundfunk-Sinfonie-Orchester*
Ferenc Fricsay

- | | | |
|----------|---|-------|
| 7 | 9 Variations on a Minuet by Duport, K573 | 10:38 |
| | 9 Variationen über ein Menuett von Duport | |
| | 9 Variations sur un menuet de Duport | |

Total time 67:58

Clara Haskil *piano*

Recorded at the Funkhaus, Saal 1, WDR Cologne, 11 June 1954 (K271), 30 May 1952 (K459)

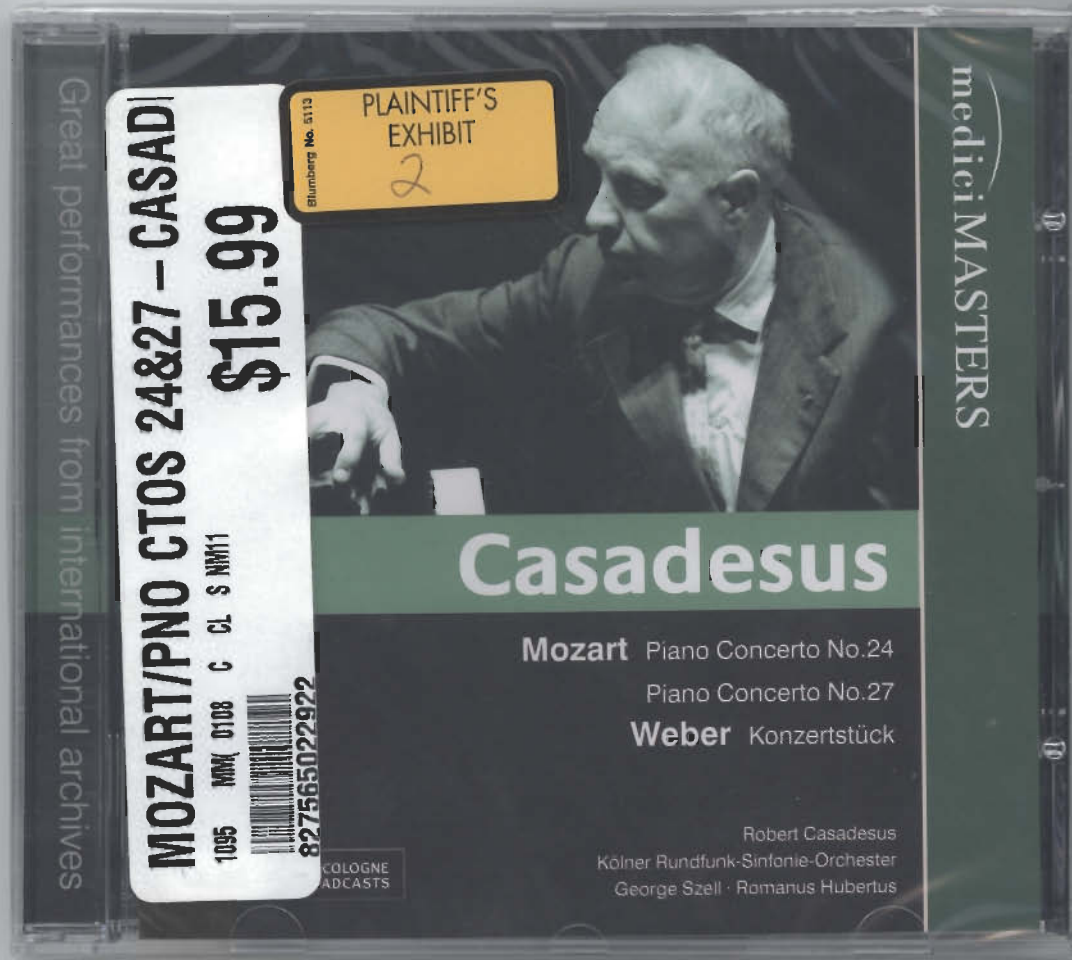
Recorded at the Besançon Festival, 7 September 1956 (K573)

* now renamed · heute · aujourd'hui WDR Sinfonieorchester Köln

MM004-2

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arts**WDR**• THE COLOGNE
• BROADCASTSNotes in English / Mit deutschem Einführungstext
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Produced by Westdeutscher Rundfunk Köln, broadcast in 1952/54/56



Wolfgang Amadeus Mozart (1756-1791)

Piano Concerto No. 24 in C minor, K491

Klavierkonzert Nr. 24 c-moll

Concerto pour piano n° 24 en *ut* mineur

- | | | |
|----------|----------------|-------|
| 1 | I Allegro | 12:22 |
| 2 | II Larghetto | 7:23 |
| 3 | III Allegretto | 8:13 |
- Cadenzas · Kadenzen · Cadences: Saint-Saëns

Piano Concerto No. 27 in B flat major, K595

Klavierkonzert Nr. 27 B-Dur

Concerto pour piano n° 27 en *si* bémol majeur

- | | | |
|----------|--------------|-------|
| 4 | I Allegro | 12:51 |
| 5 | II Larghetto | 7:47 |
| 6 | III Allegro | 7:38 |
- Cadenzas: Mozart

Kölner Rundfunk-Sinfonie-Orchester*

George Szell

Carl Maria von Weber (1786-1826)

7 Konzertstück für Klavier und

Orchester f-moll, Op. 79

Concert Piece for Piano and Orchestra in F minor

Pièce de concert pour piano et orchestre en *fa* mineur

15:16

Kölner Rundfunk-Sinfonie-Orchester*

Romanus Hubertus

Robert Casadesu *piano*

Total time 71:53

Recorded at the Funkhaus, Saal 1, WDR Cologne.

27 June 1960 (Mozart K491), 8 September 1958 (Mozart K595), 3 March 1954 (Weber)

* now renamed - heute - aujourd'hui: WDR Sinfonieorchester Köln.

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BROADCASTS

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New York, NY 10038
Phone: 212-238-9100



* 0 1 6 2 2 7 1 2 0 *

The following item(s) have been
picked up at the register:

1. 82756502292
MOZART/PNO CTOS 24&27-CASADESU
1 @ 15.99 *Px-2* 15.99
2. 82756502022
MOZART/PNO CTOS 9&19-HASKIL
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Carl Maria von Weber (1786-1826)

- 1** Euryanthe: Overture
Ouverture · Ouverture

9:10

Wolfgang Amadeus Mozart (1756-1791)

Symphony No.33 in B flat major, K319

Symphonie Nr. 33 B-Dur

Symphonie n° 33 en si bémol majeur

- 2** I Allegro assai
3 II Andante moderato
4 III Menuetto - Trio
5 IV Finale: Allegro assai

7:04

5:29

2:44

4:32

Peter Tchaikovsky (1840-1893)

Symphony No.6 in B minor, Op.74 "Pathétique"

Symphonie Nr. 6 h-moll

Symphonie n° 6 en si mineur

- 6** I Adagio - Allegro non troppo 19:26
7 II Allegro con grazia 7:55
8 III Allegro molto vivace 9:08
9 IV Finale: Adagio lamentoso - Andante 10:00

Total time 75:51

Kölner Rundfunk-Sinfonie-Orchester*
Erich Kleiber

Recorded at the Funkhaus, Saal 1, WDR Cologne.

20 January 1956 (Weber), 23 November 1953 (Mozart), 28 March 1955 (Tchaikovsky)

* now renamed - heute - aujourd'hui WDR Sinfonieorchester Köln

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Ludwig van Beethoven (1770-1827)

Symphony No.6 in F major, Op.68 "Pastoral"

Symphonie Nr. 6 F-Dur «Pastorale»

Symphonie n° 6 en fa majeur « Pastorale »

- | | | |
|----------|---|-------|
| 1 | I Erwachen heiterer Empfindungen
bei der Ankunft auf dem Lande
<i>Allegro ma non troppo</i> | 12:30 |
| 2 | II Szene am Bach
<i>Andante molto mosso</i> | 11:19 |
| 3 | III Lustiges Zusammensein der Landleute
<i>Allegro</i> | 5:27 |
| 4 | IV Gewitter – Sturm
<i>Allegro</i> | 3:49 |
| 5 | V Hirtengesang. Frohe und dankbare
Gefühle nach dem Sturm
<i>Allegretto</i> | 8:53 |

Wolfgang Amadeus Mozart (1756-1791)

Symphony No.41 in C major, K551 "Jupiter"

Symphonie Nr. 41 C-Dur

Symphonie n° 41 en ut majeur

- | | | |
|----------|---------------------------------|-------|
| 6 | I Allegro vivace | 10:36 |
| 7 | II Andante cantabile | 11:41 |
| 8 | III Menuetto, Allegretto – Trio | 4:50 |
| 9 | IV Molto allegro | 11:37 |

London Philharmonic Orchestra

Sir Adrian Boult

Total time 80:56

Recorded at No.1, Abbey Road Studios, London.

17 April, 10 & 15 May 1977 (Beethoven),

23 September & 16 October 1974 (Mozart)

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Ludwig van Beethoven (1770-1827)Music to Goethe's Tragedy *Egmont*, Op.84Musik zu Goethes Trauerspiel *Egmont*Musique pour le drame *Egmont* de Goethe

- | | | |
|----------|-----------------------|------|
| 1 | Overture | 8:46 |
| | Ouverture · Ouverture | |

Johannes Brahms (1833-1897)

Symphony No.1 in C minor, Op.68

Symphonie Nr. 1 c-moll

Symphonie n° 1 en ut mineur

- | | | |
|----------|--|-------|
| 2 | I Un poco sostenuto – Allegro | 13:14 |
| 3 | II Andante sostenuto | 8:40 |
| 4 | III Un poco Allegretto e grazioso | 4:31 |
| 5 | IV Adagio – Più Andante –
Allegro non troppo, ma con brio | 15:33 |

Kölner Rundfunk-Sinfonie-Orchester*

Otto Klemperer

Recorded at the Funkhaus, Saal 1, WDR Cologne,

28 May 1955 (Beethoven), 17 October 1955 (Brahms, Mahler)

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Gustav Mahler (1860-1911)

Kindertotenlieder

Songs on the Death of Children

Chants pour les enfants morts

(Text: Friedrich Rückert)

- | | | |
|-----------|---|------|
| 6 | Nun will die Sonn' so hell aufgehn | 5:01 |
| 7 | Nun seh ich wohl, warum so dunkle Flammen | 4:09 |
| 8 | Wenn dein Mütterlein | 4:11 |
| 9 | Oft denk ich, sie sind nur ausgegangen! | 3:00 |
| 10 | In diesem Wetter | 6:10 |

George London *baritone*

Kölner Rundfunk-Sinfonie-Orchester*

Otto Klemperer

Total time 73:33

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SCHUBERT
Symphony No. 9

SCHUMANN
Manfred Overture

Symphonieorchester des
Bayerischen Rundfunks

Wiener Philharmoniker

LEONARD
BERNSTEIN





FRANZ SCHUBERT

Symphony No.9 in C major, D944 "The Great"

Symphonie Nr. 9 »großes C-Dur

Symphonie n° 9 en ut majeur « La Grande »

- I Andante - Allegro ma non troppo
- II Andante con moto
- III Scherzo. Allegro vivace
- IV Finale. Allegro vivace

Symphonieorchester des Bayerischen Rundfunks

Recorded at the Kongressaal, Deutsches Museum, Munich, 10-15 June 1987

ROBERT SCHUMANN

Overture to *Manfred*, op.115

Ouverture · Ouverture

Wiener Philharmoniker

Recorded at the Musikvereinssaal, Vienna, 23 October - 6 November 1985



LEONARD BERNSTEIN

Directed by Humphrey Burton



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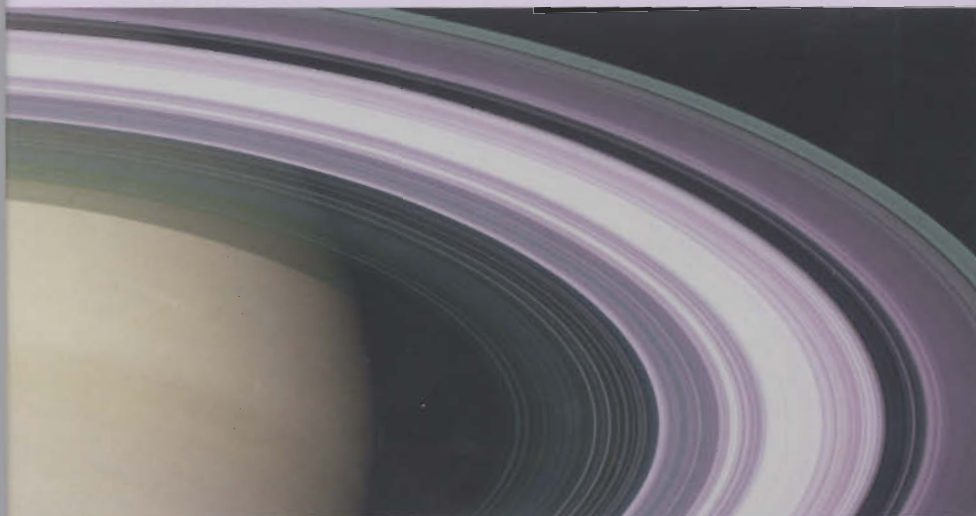
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holst: the planets
debussy: la mer



the philadelphia orchestra
eugene ormandy





gustav holst: the planets

- I Mars, the bringer of war
- II Venus, the bringer of peace
- III Mercury, the winged messenger
- IV Jupiter, the bringer of jollity
- V Saturn, the bringer of old age
- VI Uranus, the magician
- VII Neptune, the mystic

The Mendelssohn Club of Philadelphia
Chorus Master: Mary Zatzman
The Philadelphia Orchestra

claudé debussy: la mer

- I De l'aube à midi sur la mer. Très lent
- II Jeux de vagues. Allegro
- III Dialogue du vent et de la mer.
Animé et tumultueux

The Philadelphia Orchestra

EUGENE ORMANDY

Recorded at the Academy of Music, Philadelphia,
24-26 June 1977
Directed by Kirk Browning

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Beethoven Piano Concerto No.3
Piano Sonata No.23 "Appassionata"
Piano Sonata No.28

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Friedrich Gulda
Kölner Rundfunk-Sinfonie-Orchester
Mario Rossi

Ludwig van Beethoven (1770-1827)

Piano Concerto No.3 in C minor, Op.37

Konzert für Klavier und Orchester Nr. 3 c-moll

Concerto pour piano et orchestre n° 3 en ut mineur

- | | | |
|----------|--------------------|-------|
| 1 | I Allegro con brio | 16:23 |
| 2 | II Largo | 8:33 |
| 3 | III Rondo. Allegro | 8:52 |

Friedrich Gulda piano

Kölner Rundfunk-Sinfonie-Orchester*

Mario Rossi

Piano Sonata No.23 in F minor, Op.57 "Appassionata"

Klaviersonate Nr. 23 f-moll

Sonate pour piano n° 23 en fa mineur

- | | | |
|----------|--|------|
| 4 | I Allegro assai | 8:47 |
| 5 | II Andante con moto - <i>attacca</i> : | 6:08 |
| 6 | III Allegro, ma non troppo - Presto | 5:07 |

Piano Sonata No.28 in A major, Op.101

Klaviersonate Nr. 28 A-Dur

Sonate pour piano n° 28 en fa majeur

- | | | |
|-----------|---|------|
| 7 | I Etwas lebhaft und mit der innigsten Empfindung. Allegretto, ma non troppo | 4:24 |
| 8 | II Lebhaft, marschmäßig. Vivace alla marcia | 6:38 |
| 9 | III Langsam und sehnsuchtsvoll. Adagio, ma non troppo, con affetto - <i>attacca</i> : | 2:58 |
| 10 | IV Geschwind, doch nicht zu sehr und mit Entschlossenheit. Allegro | 7:22 |

Friedrich Gulda piano

Total time 75:33

Recordings:

Saal 1, Funkhaus, WDR Cologne, 25 February 1957 (Concerto), Funkhaus, Saal 2, WDR Cologne, 22 February 1957 (Sonatas)


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FRIEDRICH GULDA

Beethoven:
Piano Concerto No. 3

Piano Sonata No. 23
Piano Sonata No. 28

Kölner Rundfunk-Sinfonie-Orchester / Mario Rossi

Recording:

Saal 1, Funkhaus, Cologne, 25 February 1957

Saal 2, Funkhaus, Cologne, 22 February 1957

In the 1950s, the Austrian pianist Friedrich Gulda (1930-2000) was considered the leading interpreter of his generation, notably Beethoven and Mozart. In the mid 50s, he became more immersed in jazz and was famous for his genius playing the Viennese classics. Gulda's recordings are now beginning to enjoy cult status. He recorded the Beethoven Piano Concerto No. 3 once in the studio for Decca (Horst Stein) in 1971, but the recording was deleted. The two Beethoven piano sonatas precede his Decca recordings of the same works.

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Henryk Wieniawski (1835–1880)

Violin Concerto No.2 in D minor, Op.22

Violinkonzert Nr. 2 d-moll

Concerto pour violon n° 2 en ré mineur

- | | | |
|----------|--------------------------------|-------|
| 1 | I Allegro moderato | 12:16 |
| 2 | II Romance. Andante non troppo | 5:27 |
| 3 | III Allegro con fuoco | 6:06 |

Nicolò Paganini (1782–1840)

Violin Concerto No.1 in D major, Op.6

Violinkonzert Nr. 1 D-Dur

Concerto pour violon n° 1 en ré majeur

- | | | |
|----------|-----------------------------------|-------|
| 4 | I Allegro maestoso – Tempo giusto | 16:53 |
| 5 | II Adagio | 5:35 |
| 6 | III Rondo, Allegro spiritoso | 6:42 |

Michael Rabin *violin*

Philharmonia Orchestra

Sir Eugene Goossens

Camille Saint-Saëns (1835–1921)**7** Introduction et Rondo capriccioso, Op.28 9:37**Pablo de Sarasate** (1844–1908)**8** Zigeunerweisen, Op.20 9:24
Gypsy Airs · Airs Bohémiens**Grigoraș Dinicu** (1889–1949)

Arr.: Jascha Heifetz

9 Hora staccato 1:55**Nicolò Paganini****10** Moto perpetuo, Op.11 3:18**Michael Rabin** *violin*

Hollywood Bowl Symphony Orchestra

Felix Slatkin

Total time 77:56

Recordings:

Abbey Road Studio No.1, London, 14 May 1960 (Tracks 1–6)

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MICHAEL RABIN

Wieniawski: Violin Concerto No. 2

Paganini: Violin Concerto No. 1 / Moto Perpetuo

Saint-Saens: Introduction & Rondo Capriccioso

Sarasate: Zigeunerweisen

Dinicu: Hora Staccato

Philharmonia Orchestra / Sir Eugene Goossens

Hollywood Bowl Symphony Orchestra / Felix Slatkin

Recording:

Abbey Road Studio No.1, London, 14 May 1960

Samuel Goldwyn Studios, Hollywood, 10-11 September 1959

The American Michael Rabin (1936-1972) was one of the greatest virtuoso violinists in the post tragically short. He died aged 36 years after falling in his apartment.

All the works represented in this collection require tremendous technical ability ranging from W favourite of Heifetz), and the ever popular Paganini Concerto No. 1, to the seductive melodies c fiery Zigeunerweisen and the two short encores.

This CD represents a wonderful cross-section and anthology of Rabin's finest work, a great artis forgotten except by knowledgeable collectors and by every violinist working today.

All the stereo tapes have been licensed from EMI and have been expertly re-mastered by Paul I

Stereo

Medici arts MM0232

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Tel: 0133

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NEW YORK PHILHARMONIC LORIN MAAZEL



THE PYONGYANG CONCERT

New York Philharmonic

medici arts

On February 26, 2008, the world watched as the New York Philharmonic gave the first performance by an American orchestra in the Democratic People's Republic of Korea. Those lucky enough to be present will never forget that historic evening, when people from two long-divided nations were united through the beauty and power of music. By the end of the final encore, both the audience and the musicians onstage stood waving to each other in a new-found spirit of understanding. We are honored and pleased that this DVD can share this transformative experience with new audiences for years to come.

New York Philharmonic President, Zarin Mehta

National Anthem of the Democratic People's Republic of Korea: *Aegukka*
National Anthem of the United States of America: *The Star-Spangled Banner*

Richard Wagner
Lohengrin: Prelude to Act III

Antonín Dvořák
Symphony No. 9 in E minor
From the New World

George Gershwin
An American in Paris

Georges Bizet
Farandole from L'Arlesienne Suite No. 1

Leonard Bernstein
Overture to Candide

Traditional
Arr. Sung-Hwan Choi
Arirang

Recorded live at the East Pyongyang Grand Theatre, Pyongyang,
Democratic People's Republic of Korea on February 26, 2008

Directed by Michael Beyer · Produced by Paul Smaczny
Executive Producers: Paul Smaczny, Thomas Baer, Hyun-Chang Oh,
Hyok-Ki Hong, Gabrielle Babin Gugenheim, David Horn

Total Running Time
107 mins

TV Format
NTSC
16:9

Sound
PCM Stereo · DD 5.1
DTS 5.1

Region Code
1

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New York Philharmonic

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DVD

DTS

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Jerome Rose

From: Asaf Blasberg [asafb@rcn.com]
Sent: Sunday, April 20, 2008 11:54 AM
To: 'Julie Kedersha'
Subject: FW: Order Confirmation : Your 'ShopThirteen' order

-----Original Message-----

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EW954 - DVD NY PHIL LIVE FROM N KOREA

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Price each: \$24.99 Total price: \$24.99

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Shipping & Handling: \$5.95

Total: \$30.94

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From: Asaf Blasberg [asafb@rcn.com]
Sent: Sunday, April 20, 2008 11:36 AM
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Subject: North Korean Concert Receipt

Hi Ms. Kedersha,
Here is the receipt for the North Korean DVD:

Billing Address

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252 W 76 ST 1E
NEW YORK, NY
10023
United States
6465050706 Shipping Address

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This order was not a gift order. Payment Information ASAF BLASBERG

MasterCard: *****1734

Expires: 8/2009 No gift certificate applied Order Summary Product Item Price Quantity Item

Total The New York Philharmonic Live from North Korea

\$24.99 1 \$24.99

Subtotal: \$24.99

Shipping (Standard): \$5.95

Tax: TBD*

Order Total*: \$30.94



Acknowledgments

Many institutions, organizations, and individuals contributed greatly to the planning and administration of the New York Philharmonic's visit to Pyongyang. The New York Philharmonic would like to express deep gratitude for the invaluable counsel and guidance of the following:

U.S. Department of State
Bureau of East Asian and Pacific Affairs
Ambassador Christopher R. Hill, U.S. Assistant Secretary of State
Yuri Kim, Chief, DPPIK Unit
The Korea Society, New York
Ambassador Donald P. Gregg, Chairman
Evans J. R. Rovero, President
Frederick F. Caniere, Vice President and Executive Director
Embassy of Sweden, Pyongyang
H. E. Ambassador of the Kingdom of Sweden, Mats Foyer
Ingrid Johansson, Deputy Head of Mission

Air transportation for the New York Philharmonic's visit to Pyongyang was provided by Asiana Airlines.

The New York Philharmonic is grateful for the steadfast support of Sam Koo Park, Chairman and CEO, Lufthansa Asiana Group.

The New York Philharmonic's visit to Pyongyang was made possible through the extraordinary generosity of Mrs. Yuko Nagae Coschins.

Additional support was provided by Patrons of the New York Philharmonic:

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Mr. and Mrs. Frank A. Bannack, Jr.
The Honorable Donald M. Blinker* and Mrs. Blenda
Dr. Hadasah Brooks-Morgan
Mrs. Barbara Fosbury and Mr. Thomas C. Turney
Mrs. SungEun Han-Anderson* and Mr. G. Chris Anderson
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Mr. and Mrs. Benjamin M. Rosen
Miss Sandra C. Rubin
Mr. Ronald J. Ulrich
Mrs. Susanne Wamsler

* Denotes New York Philharmonic Board Member

The international telecast of the New York Philharmonic's performance in Pyongyang, and the mission of an international press corps, was made possible with the exceptional expertise, dedication, and advice of the following:

EuroArts Music International (a Media Arts Company)
MBF (Munhwa Broadcasting Corporation)
ARTE France
EBU (European Broadcasting Union)
Associated Press Broadcast Services
ABC News
CNN

Rubenstein Associates, Inc., New York
Howard J. Rubenstein, President

The New York Philharmonic would like to recognize the government and representatives of the Democratic People's Republic of Korea for its cooperation in realizing the Orchestra's visit to Pyongyang. The New York Philharmonic would also like to acknowledge the constant assistance of their Permanent Mission in the United Nations, New York.

New York Philharmonic

Paul B. Guenther, Chairman
Zarin Mehta, President and Executive Director

Eric Latsky, Director of Public Relations
Melanie Torman, Director of Development
Matias Tarnopolsky, Artistic Administrator
Leonard Ziemant, Chief Financial and Administrative Officer
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Barbara Haws, Archivist/Historian
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Nishi Badwar, Orchestra Personnel Assistant/Auditions Coordinator
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Janet Woolton, Rubenstein Communications, Public Relations Consultant
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New York Philharmonic

Directed by Michael Beyer
Produced by Paul Smaczny
Executive Producers: Paul Smaczny, Thomas Baer
Line Producer: Oliver Rieger



For Munhwa Broadcasting Corporation (MBC)
Executive Producers: Hyun-Chang Oh, Hyuk-Ki Hwang
Producers: Song-Kun Pang, Seung-Jong Song
Production Coordinator: Helena Park

For ARTE France
Executive Producer: Gabrielle Babin Eugenheim
Senior Production Manager: Pascal Aron

For Thirteen/WNET
Executive Producer: David Horn
Producer: John Walker

Director, Program Development: Bill O'Donnell

Major program funding provided by the Yves Diamond Fund, the National Endowment for the Arts, the Anne-Marie and Stephen Kellen Arts Fund, the Corporation for Public Broadcasting, and PBS.

Director of Photography: Nyika Janesó - Cameras: Martin Baer, Jürgen Clemens, Reil Gihss, Eugen Gross, Manuel Lucchini, Andreas Neumann, Karl-Heinz Nitschke, Christian Schulz, Andreas Splett
Technical Directors: Hak-Ong Joh, Bok-Yong Chun, Rainer Kamps - Lighting: Si-Woel Eim
Vision Control: Matthias Block, Daniel Diadiaker, Hong-Yong Park - VTR-Operator: Jae-Hyeon Ha
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Assistant Sound Technicians: Yong-Seong Lee - Balance Engineer: Toine Mertens
Music Editing and Mix: Georg Obermayer - Audio Producer: Christopher Alder - Vision Mixer: Barbara Saxer
Assistant Director: Martin Füll - Floor Manager: Sabine Koch - 2nd Unit: Ayelet Heller, Michael Boemers, Andreas Köppen - Production Assistants: Birgit Filimonow, Robert Ursmann, Alexander Weikang-Hu, Maria Stodtmeier, Yoo-Bin Han, Min-Kyung Cha - Public Relations: Frank Gardes
Postproduction Manager: Claudia Greh - Editor: Steffen Herrmann
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Head of DVD & New Media Medici Arts: Hervé Bensière

DVD Producer: Tobias Möller

Product Management: Christina Sax

DVD Premastering: Digital Images, Hutter/Saale

Design: Fabien Lebellet

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Editorial: The New York Philharmonic; texthouse, Hamburg

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Medici Arts

One name: Medici Arts

One field of expertise: the independent production and distribution of audiovisual programs in the field of performing arts and documentaries.

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One ambition: the integration of all available media: Internet, television, DVD and CD to promote on the widest possible scale, the talents of the musicians and film directors who work with Medici Arts.

Television

Medici Arts represents a catalogue of 1,500 hours of programmes with 30 new films produced every year, including concerts and operas, portraits of great musicians and documentary films. These films benefit from television partnerships at the highest level, such as Arte, NHK, ZDF, PBS and the BBC, and have received worldwide acclaim - an Emmy Award for "Daniel Barenboim and the West-Eastern Divan Orchestra", and the Gramophone Award and FIPA d'Or for "Richter, the Enigma".

Medici Arts also publishes and distributes the works of some of the greatest masters of documentary films: Johan van der Keuken, Alexandre Sokourov and Frederick Wiseman.

In 2008, Larry Weinstein's film "Antonio Vivaldi in His Own Words", which will include previously unpublished archive films and documents, will be one of the great music events of the year alongside great filmed concerts conducted by Claudio Abbado, Sir Simon Rattle and Gustavo Dudamel.

DVD

Medici Arts has already issued over 200 DVDs and plans to release 40 new titles every year. Within its catalogue, there are several already legendary series, such as "Classic Archive" presenting legendary performances from the major stars in classical music (Callas, Richter, Oistrakh, Rubinstein, Rostropovitch), "Juxtapositions", which throws light on the great composers of modern times (Mahler, Boulez, Carter, Messiaen, Pärt), the films by Bruno Monsiegeon, which explore the world of world-class musicians (Arnold Bax, Maurice Strakosky, and "The Art

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★★★★★


Claudio Abbado: Beethoven, Symphony
2nd movement Allegretto (excerpt)
Bob Coles - 2001

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Medici Arts has also developed unique partnerships with the Berlin Philharmonic Orchestra, Claudio Abbado and the Lucerne Festival Orchestra, and Daniel Barenboim, who have all entrusted Medici Arts with the filming of their concerts.

CD

Medici Arts is proud to represent a CD catalogue of unparalleled audio archives consisting of BBC Legends (220 titles from the BBC's own archive from 1938 to 1992), the Royal Opera House Heritage series (the official Covent Garden opera archives from the early 1950s to 1997) and the mid-price Medici label which includes archive material licensed from the major European broadcasters, EMI Classics. The Medici Masters label includes live recordings sourced from a number of European archives and taken from the original master tapes, featuring artists such as Otto Klemperer, Erich Kleiber, Clara Haskil, the Amadeus Quartet, Robert Casadesu, Friedrich Gulda, Ferenc Fricsay and Dimitri Mitropoulos amongst others. The sound restoration and quality of the recordings have been acclaimed throughout the world by critics and music lovers alike, winning numerous awards.

The BBC Legends, Medici Masters and Royal Opera House Heritage Series catalogue can be viewed at [mediarts](#).

Medici Arts will also feature a label hosting new artists for new projects.

Internet

Medici Arts will launch [www.medici.tv](#) on 30 April 2008. This new site will be the focal point for the company's expertise, with its various platforms representing the future of classical music and documentary films.

Medici Arts is the first producer to offer the public a complete music festival live: the Verbier

site by Spill.net



**Medici Group acquires the shares of ITFC Ltd from the ITV1 regional
licence holders**

**ITFC enters into a Long-Term Services Agreement with the ITV1 regional
licence holders**

LONDON, UK, 2 AUGUST 2007—ITV plc today announced the sale of the entire issued share capital of the Independent Television Facilities Centre Ltd. ("ITFC" or the "Company") to Elektrofilm Ltd., a wholly owned subsidiary of Medici Group, LLC, led by Chief Executive Robert T. Walston.

ITFC, a leading provider of video and media access services, was founded in 1976 as an in-house film storage facility for ITV. Today the Company has an impressive roster of third-party clients, including some of the most recognised names in UK broadcasting. In addition to providing video duplication, technical compliance, editing and related services to broadcasters, ITFC is a leading provider of subtitling services to the UK broadcast, DVD and cinema industries. The Company currently provides in excess of 700 hours of subtitling each week to more than 100 clients.

As part of the transaction ITFC has entered into a long-term services agreement to provide ITV with post-production, subtitling, and audio description services.

Jeremy Sharp, Head of Business Development at ITV plc, said:

"ITV has been entirely supportive of ITFC and its growth as a leader in the UK broadcast services industry, but after a review of our internal businesses we concluded that the facility is no longer part of ITV's core operations. The sale of



the Company represents the next step in ITFC's evolution; the Medici Group is well positioned to take ITFC—and consequently ITV—into the new world of tapeless, data-centric digital workflows."

Helen Stevens, Director of Broadcast Resources at ITV Broadcasting Ltd., said:

"The Services Agreement represents ITV's full commitment to a continued partnership with ITFC. Over the past 30 years the Company has consistently delivered the highest levels of service to ITV and we believe that these standards will be maintained and even improved through ITFC's new affiliation with Medici and its global facilities. We expect ITFC and Medici to be a key partner in ITV's migration to digital asset management and distribution."

Robert T. Walston, Chairman and CEO of Medici Group, LLC, said:

"We are pleased to enter into a long-term partnership with ITV through the acquisition of ITFC and the execution of the Services Agreement. Chris Higgs and his management team, who have successfully driven growth in the Company over many years, are a welcome addition to the group. We look forward to further growth, both in the UK and globally, in the exciting years ahead."

Chris Higgs, Managing Director of ITFC, said:

"I am delighted to join Medici. I believe this transaction represents a very good outcome for ITFC, its employees and its customers. I look forward to contributing to the group's global strategic plan for the implementation of the Digital Media Environment."

Ends.

For further information please contact:

ITV plc

Brigitte Trafford – Group Communications Director
Jim Godfrey – Director of Corporate Affairs
0844 881 8000

Medici Group, LLC / Elektrofilm Limited

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Notes to Editors

About ITV Plc

ITV plc owns 11 of the 15 ITV1 regional licences and 91.5% of the issued share capital of the ITFC. ITV is Britain's biggest and most popular commercial broadcaster. ITV's flagship channel - ITV1 - is the home of the most popular drama and entertainment programmes on British television and ITV2, 3 and 4 are among the most popular channels on multi-channel television.

About Medici Group, LLC

Medici Group is the holding company for Medici Arts and Mosaic Digital Studios.

Medici Arts, with offices in London, Paris, Berlin, Leipzig, Los Angeles and New York is the premier owner, producer and distributor of classical music and arts audiovisual programming for broadcast television, home video and emerging digital distribution formats. Medici Arts produces and acquires programmes for television and home video and distributes one of the largest collection of classical music and arts content in the world. Production and distribution activities are conducted under the brand names EuroArts, Idéale Audience and MediciArts.

Mosaic Digital Studios, based in Los Angeles, California, is the holding company for media services operations located in the United States (Burbank and San Jose, California) and in Europe (Berlin, Potsdam and Munich, Germany). The Company's facilities currently operate under the brand name ELEKTROFILM and provide a broad range of technical and creative services to content creators, owners and distributors.

The primary mission of Mosaic Digital Studios is to deploy "The Digital Media Environment" in the United States, the United Kingdom and continental Europe which will enable end-to-end data-centric workflows supported by proprietary digital asset management technology. Mosaic's development team in San Jose, California, deployed the first software for the system in the company's Burbank, California facility in June, 2007. To support the development of the DME the company entered into a joint development relationship with Sun Microsystems, Mosaic's primary hardware supplier.

Mosaic was founded by Robert T. Walston, who was previously the founder, Chairman and CEO of Four Media Company. Under his leadership Four Media Company became an industry leader in providing technical and creative services to the entertainment and advertising industry.

About ITFC Ltd.

Based in West London, ITFC offers post-production videotape facilities, DVD authoring and access services (subtitling, audio description and in-vision signing) to a large number of clients across the broadcasting and entertainment industries including ITV, GMTV, Five, Warner Brothers, Discovery, Paramount Pictures, RTÉ (Eire) and Virgin Media TV.

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Please follow the links below to view the ever expanding Medici Arts catalog:

Links

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Royal Opera House Heritage Series

Classic Archive DVD

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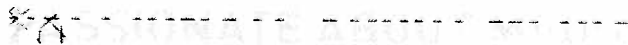
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NEWS

24.04.06

ELEKTROFILM Burbank Names Management Team

Donner, Huang Tapped to Lead New Digital Services Center

Burbank CA, 24 Apr 06 - ELEKTROFILM has announced the appointment of Frank Donner as President and Jeff Huang as Managing Director of the new Digital Services Center, located in Burbank's media district. ELEKTROFILM Burbank is the newest addition to ELEKTROFILM's growing roster of global production and post venues; the Burbank studio specializes in high-end DVD services and digital restoration, as well as comprehensive audio, editorial and duplication services.

With studios in Berlin, Burbank, Cologne, Leipzig, Munich, Potsdam and Stuttgart, ELEKTROFILM is a worldwide leader in the development and distribution of media. Each ELEKTROFILM venue is a state-of-the-art facility showcasing top technology and talent from the production, post, DVD, creative and new media communities.

Donner comes to ELEKTROFILM from Advanced Digital Services in Hollywood, where he served as President. Prior to ADS, Donner managed sales, marketing and business development at several leading post houses including Ascent Media, 4MC and Anderson Video. Donner has long been a champion of film/media restoration, a key service offering at ELEKTROFILM Burbank. He looks at the establishment of ELEKTROFILM Burbank as the opportunity to create a truly convergent digital service center, "As businesses and technologies are coming together at such a rapid pace, ELEKTROFILM is ready to guide content owners, producers and distributors worldwide through the digital evolution. Our mission is to serve as the premier digital media services provider to the entertainment industry."

Huang was most recently Vice President and General Manager of DVD Services at Ascent Media. He also co-founded Todd-AO DVD, and helped to establish the physical facility, organizational structure, and overall business plan. At ELEKTROFILM Burbank, Huang will oversee daily operations as well as the company's full suite of DVD services. According to Huang, "There's a distinct advantage to opening a new facility, but also building on a company with such a tremendous legacy. While the ELEKTROFILM team is comprised of industry veterans, and our company has an established reputation for excellence, as our Burbank venue continues to grow, we have the opportunity to collaborate with our clients to meet the needs of a very dynamic business."

Robert T. Walston, Chief Executive Officer of ELEKTROFILM Group stated, "We are very pleased to have been able to attract the caliber of management we have in Frank and Jeff. Each member of our team has been selected to contribute to the success of ELEKTROFILM - and to the success of our clients."

Archive

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ELEKTROFILM Burbank Names Management Team

Donner, Huang Tapped to Lead New Digital Services Center
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20.04.06

Digital Services Company ELEKTROFILM Selects Xytech Systems

Burbank, CA (April 20, 2006) - ELEKTROFILM has selected the Xytech Enterprise software solution for...
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Positioned internationally as a company of the **MediciArts B.V. group**, ELEKTROFILM is one of the most modern **Post-Production Centers** for Film, Television and Advertising in Germany. Wim Wenders, Oskar Roehler, Wolfgang Becker and Lajos Koltai all value the special attention, exacting quality standards, impeccable style and respect with which we approach every project. Our offices in Berlin, München, Stuttgart, Leipzig, Cologne and Los Angeles provide individualized coordination, management and support in all phases of your production as well as a complete range of post-production services and facilities, ranging from VFX and sound and dubbing to next generation digital media applications.



ELEKTRONEWS

14.05.08
Neue Struktur der Geschäftsführung
Anfang Mai 2008 hat ELEKTROFILM Deutschland seine Geschäftsführungsstruktur geändert.
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24.04.08
„Unschuldig“ bei ELEKTROFILM
Die neue Anwaltsserie „Unschuldig“ ist gestern mit 3 Millionen Zuschauern und somit einer sehr...
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22.04.08
„Waltz with Bashir“ im Rennen um die Goldene Palme
Die deutsch – israelische Koproduktion (dt. Koproduzent: Razor Film) „Waltz with Bashir“ von Ari...
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SERVICES

Global. Digital. Passionate.

Our Digital Media Center in Burbank, California serves as the distribution hub of the ELEKTROFILM family of companies.

As businesses and technologies converge at a dizzying pace, ELEKTROFILM is ready to guide content owners, producers and distributors worldwide through the digital evolution.

Our mission is to serve as the premier digital media services provider to the entertainment industry, offering a customized suite of services designed to bridge the past and future of media.



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ELEKTROFILM Burbank Names Management Team

Donner, Huang Tapped to Lead New Digital Services Center
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20.04.06

Digital Services Company ELEKTROFILM Selects Xytech Systems

Burbank, CA (April 20, 2006) - ELEKTROFILM has selected the Xytech Enterprise software solution for...
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MOZART**more information
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EUROARTS JOBS

EuroArts Medien GmbH

EuroArts was founded in 1979 by Bernd Hellthaler. The company soon became internationally renowned for producing and distributing audiovisual classical music, jazz and other arts programmes for TV and home video.

EuroArts was also involved in servicing clients in feature film (on some occasions also as co-producer) and television through its post production arm which provided a wide range of services including dubbing, sound mixing, and visual effects. In 2002 EuroArts formally established its post production operation and founded ELEKTROFILM in Berlin and Stuttgart, with a subsidiary in Ludwigsburg.

In 2004 EuroArts Medien GmbH and all of its subsidiaries were acquired by US-based Medici Group, a group of private investors led by founder and CEO Robert T. Walston. Today the company is 100% owned by Medici Arts B.V. (Netherlands).

EuroArts Music International GmbH is part of the Medici Group family of companies dedicated to the production and distribution of audiovisual programming in the classical music and arts arena. EuroArts produces 15-25 programmes per year for distribution in global television markets and on home video. In 2004 EuroArts established its own DVD label and distributes content produced in-house as well as content acquired from third parties.

ELEKTROFILM has approximately 100 employees and operates in Stuttgart, Berlin, Potsdam, Munich, and Leipzig. A new sister company, also branded ELEKTROFILM, was established in Burbank (Los Angeles), California to service American customers. Offering the full range of creative post production and media management services to our clients around the world.

In its history the Group has won numerous creative awards and accolades, including one Emmy Award (and two Emmy nominations), a Peabody Award, a Grammy nomination, a National Education Award (USA), and many more. Feature films which the Group has co-produced or provided services for have participated in globally recognized competitions such as the Cannes, Berlin and Locarno Film Festivals.

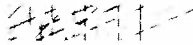
ELEKTROFILM

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IMPRINT



deutsch



HOMEPAGE

SUPERVISION

DEPARTMENTS

PROJECTS

CONTACT

NEWS

☐ News archive

JOBS

AGB

MÜNCHEN / TMT

BERLIN - BABELSBERG

BERLIN - VFX

BURBANK / USA

NEWS

11.02.06

ELEKTROFILM Group and Studio Babelsberg AG form Joint Venture

Helen Chou Named Managing Director and Chief Operating Officer, ELEKTROFILM Group (Germany), Josephine Navarro Named Managing Director and Chief Financial Officer, ELEKTROFILM Group (Europe), Bernd Hellthaler Named Managing Director and Chief Marketing and Business Development Officer ELEKTROFILM Group (Germany) and Marius Schwarz Named Managing Director, TMT Studio Babelsberg Postproduction GmbH - Unterföhring/ Munich.

ELEKTROFILM Group and Studio Babelsberg AG today announced the execution of definitive documentation regarding the joint development, management and expansion of post production operations conducted on the Studio Babelsberg lot in Potsdam, Germany and at TMT Studio Babelsberg Postproduction GmbH in Munich, Germany. The pooled resources of ELEKTROFILM Group and Studio Babelsberg create a unique and compelling offering of services to content creators, owners and distributors in Germany and the United States.

Dr. Carl Woebcken, Chief Executive Officer of Studio Babelsberg AG stated, "Content producers regularly source production resources on a global basis seeking the best combination of facilities, highly qualified staff and competitive cost. We have found a post production partner in ELEKTROFILM Group whose expertise, international reputation and global orientation will enable us to jointly offer services that span the entire media lifecycle and allow us to compete more effectively on the global stage".

Robert T. Walston, Chief Executive Officer of ELEKTROFILM Group stated, "We are delighted to unite our core competencies and growing global services platform to the strong and enduring client relationships enjoyed by the team at Studio Babelsberg and TMT Studio Babelsberg Postproduction. This partnership combines the production resources of Germany's preeminent studio operation, the technical excellence of TMT, a globally recognized and highly regarded content management facility and our own operations in Germany and Burbank."

About Studio Babelsberg AG

Studio Babelsberg, founded in 1912 has been the center of German feature film production since inception. Classic films such as METROPOLIS by Fritz Lang or THE BLUE ANGEL by Josef von Sternberg were shot and completed at Studio Babelsberg. More recently, Studio Babelsberg has attracted the production of global blockbusters such as AEON FLUX or V FOR VENDETTA, Post production operations conducted on the Studio lot include a full range of feature post services including negative developing, digital dailies, picture editorial, visual effects, sound editorial, ADR/Foley and full cinema mixing and rerecording services. Studio Babelsberg was acquired by an investor group led by Dr. Carl L. Woebcken and Christoph Fisser in September, 2004.

About TMT Studio Babelsberg Postproduction GmbH

TMT Studio Babelsberg Postproduction GmbH, the former audio and video department of TaurusMediaTechnik, was the cornerstone of the technical operations of the KirchMedia empire. Today, the state of the art facility

■ ELEKTRONEWS

14.05.08

Neue Struktur der Geschäftsführung

Anfang Mai 2008 hat

ELEKTROFILM

Deutschland seine

Geschäftsführungsstruktur

geändert.

[more]

24.04.08

„Unschuldig“ bei ELEKTROFILM

Die neue Anwaltsreihe

„Unschuldig“ ist gestern mit

3 Millionen Zuschauern

und somit einer sehr...

[more]

22.04.08

„Waltz with Bashir“ im Rennen um die Goldene Palme

Die deutsch – israelische

Koproduktion (dt.

Koproduzent: Razor Film)

„Waltz with Bashir“ von

Ari...

[more]

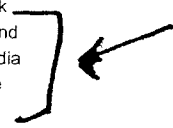


provides a diverse group of content owners and distributors with a full range of content management services including restoration, mastering, language dubbing, subtitling, versioning and professional duplication. TMT Studio Babelsberg Postproduction GmbH was acquired by Studio Babelsberg in October, 2005.

About ELEKTROFILM Group

ELEKTROFILM Group provides a broad range of technical and creative services to content creators, owners and distributors from locations in Berlin, Stuttgart, Leipzig, Köln and a new purpose built facility in Burbank California. ELEKTROFILM's CEO, Robert T. Walston was the founder and CEO of Four Media Company. Under Mr. Walston's leadership Four Media Company became the industry leader in providing technical and creative services to the entertainment and advertising industry.

Archive



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Daniel J. Kornstein

WRITER'S DIRECT DIAL NO.: (212) 418-8610

WRITER'S E-MAIL ADDRESS: dkornstein@kvwmail.com

May 6, 2008

BY FAX AND E-MAIL

J. Joseph Bainton, Esq.
Bainton McCarthy LLC
26 Broadway, Suite 2400
New York, New York 10004-1840

Re: Medici Classics Productions LLC
v. Medici Group LLC

Dear Joe:

I have received your April 25, 2008 letter, as well as your "cease and desist" letters and third-party subpoenas. I write to provide immediately what information I have responsive to your requests.

We regard the "cease and desist" letters sent by you to third parties as improper harassment and a tortious interference with our clients' contracts and business relations with these entities. Our clients will hold your client responsible for any resulting harm. We insist that you withdraw these "cease and desist" letters immediately.

The purpose of the limited jurisdictional discovery authorized by Judge Holwell was to identify the entities relevant to plaintiff's suit and their jurisdictional status. Our April 23 letter to you, enclosing a detailed organizational chart, was meant to expedite this effort. On that chart we identified two entities that produce the products at issue -- EuroArts Music International and Ideale Audience. (The latter owns and operates medici.tv.) A third entity listed on the organizational chart, Medici Arts Limited, is based in the United Kingdom and owns and

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KORNSTEIN VEISZ WEXLER & POLLARD, LLP

J. Joseph Bainton, Esq.
May 6, 2008
Page 2

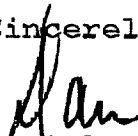
operates mediciarts.co.uk, which distributes "Medici Masters" products on-line.

In response to the requests in your letter, we are informed that:

1. Private Placement Memoranda: there are none.
2. EuroArts Music (North America): There is no such entity that we are aware of. It is a short-hand reference to Tom Baer's occasional role acting as a consultant on behalf of EuroArts Music International. The other entity you asked about, EuroArts Medien GmbH, is a holding company that owns EuroArts Music International, which we identified in our April 23 letter. Tom Baer is not an employee of Medici Group LLC or of EuroArts Music International, nor is he an employee of any other entity affiliated with Medici Group, LLC.
3. Retail Sales: I have attached retail sales figures in the United States for CDs through September 2007, and will provide additional figures as they become available. Our April 23 letter details entities that control the production and distribution of Medici Masters CDs and DVDs.
4. Depositions: Medici Group, LLC designates Rob Walston as its deposition witness on jurisdictional issues. A California resident, he will be available to be deposed in New York only on Wednesday, May 21. As agreed before Judge Holwell on March 14, 2008, plaintiff will not serve Mr. Walston with any litigation papers or process while he is in New York for this deposition.

Regards.

Sincerely,



Daniel J. Kornstein

DJK:ds
Enclosure

Medici Masters Series

	Total Shipped to US (paid for) Total Sold	
MM1 05/07		
MM001-2	585	60
MM002-2	495	54
MM003-2	495	60
MM004-2	585	64
TOTAL	2160	268
MM2 07/07		
MM005-2	450	182
MM006-2	450	154
MM007-2	450	177
MM008-2	450	172
TOTAL	1800	685
MM3 08/07		
MM009-2	600	9
MM010-2	600	10
MM011-2	600	13
MM012-2	600	12
MM013-2	600	13
MM014-2	600	18
TOTAL	3600	73
MM4 10/07		
MM015-2	0	0
MM016-2	0	0
MM017-2	0	0
MM018-2	0	0
MM019-2	0	0
MM020-2	0	0
TOTAL	0	0
TOTAL	7560	1026

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Daniel J. Kornstein

WRITER'S DIRECT DIAL NO.: (212) 418-8610

WRITER'S E-MAIL ADDRESS: dkornstein@kvwpmail.com

May 14, 2008

BY FAX

Hon. Richard J. Holwell
United States District Judge
United States Courthouse
500 Pearl Street, Room 1950
New York, NY 10007

Re: Medici Classics Productions LLC
v. Medici Group LLC, et al.
07 Civ. 9938 (S.D.N.Y.) (RJH)

Dear Judge Holwell:

As attorneys for defendants Medici Group, LLC and Robert T. Walston, we request a pre-motion conference with Your Honor regarding certain tactics of plaintiff -- which we view as tortious interference with the business relationships of defendant's subsidiaries -- and to request an amendment of the scheduling order currently in effect in light of the amended complaint plaintiff has filed today.

This is a trademark infringement action, and the plaintiff is operated by a pianist who distributes a small catalogue of his own performances of classical music on five CDs and one DVD under the name "Medici Classics."

To date we have no idea whether plaintiff has sold 3 copies of his own works, or 3000. This is because after the March 14, 2008 preliminary conference, the parties were to focus on

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KORNSTEIN VEISZ WEXLER & POLLARD, LLP

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jurisdictional discovery. It was (and is) our position that the plaintiff had originally sued parties totally uninvolved in the production of the products he complains about, and who are not amenable to jurisdiction in New York in any event. The March 14 conference set today as the deadline for our motion to dismiss on that ground (and which we have filed).

On April 23, to move forward on the jurisdiction question -- and having not heard from plaintiff since the March 14 preliminary conference -- we provided a detailed organizational chart of the Medici Group companies, and specifically identified the entities that manufacture the products alleged to be infringing.

Plaintiff's response to our April 23 communication is what prompts this request. First, plaintiff issued "cease and desist" letters to entities with whom Medici Group subsidiaries conduct business -- Naxos of America, a music distributor, as well as The New York Philharmonic, and Channel 13. Plaintiff demands these entities cease any participation in any distribution of any product or service produced by the subsidiaries of Medici Group. One of these letters is attached.

Second, plaintiff issued over-broad third party subpoenas to these same entities, but provided so little time to respond as to all but guarantee that the materials requested would not be produced in time for plaintiff to make use of any of them to oppose our motion to dismiss. Response to two of these subpoenas has been adjourned into June.

In response to plaintiff's request, we have also agreed to the deposition of defendant Rob Walston -- in New York, despite his being a California resident who has been to New York only twice in the past 12 months -- on May 21, 2008. Plaintiff is incorrect to suggest, in his letter today, that "Walston's schedule" has prevented a deposition from occurring sooner. Plaintiff waited a month and a half to request it.

Thus, rather than move closer to an answer on the question of personal jurisdiction over the Walston and Medici Group, LLC, plaintiff has delayed in conducting the deposition agreed to at the preliminary conference and, much more important, instituted a

KORNSTEIN VEISZ WEXLER & POLLARD, LLP

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May 14, 2008
Page 3

fishing expedition that does nothing more than harass third parties in a manner that tortiously interferes with, and intentionally damages, the business relationships of our client's subsidiaries.

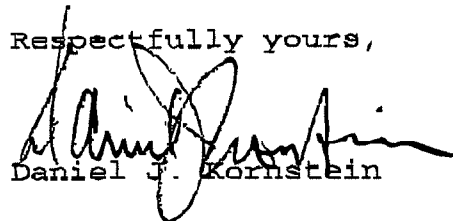
This is unfair. Without any showing that plaintiff and its website are more than simply a vanity project with little to no sales, plaintiff has nonetheless used this suit to harass several major participants in the classical music market, to the detriment of our clients.

We do not dispute that the plaintiff has the right to discovery. The fact is that plaintiff has used the time allotted for jurisdictional discovery not to discover facts relevant to jurisdiction but to engage in unreasonable tactics of intimidation.

Plaintiff's decision to file an amended complaint that adds six other parties, in addition to retaining our clients as named defendants, makes it likely that this action will persist beyond the time frame of the current schedule, and likely that these tactics will continue.

We will therefore ask this Court to amend the scheduling order to (1) stay any discovery not related to the question of jurisdiction until the motion to dismiss as to Medici Group, LLC and Walston has been decided, (2) set up a new schedule for a motion to dismiss as to some or all of the new defendants on jurisdiction grounds, and (3) to bar the plaintiff from issuing further "cease and desist" letters, and withdraw those it has issued already.

Respectfully yours,



Daniel J. Kornstein

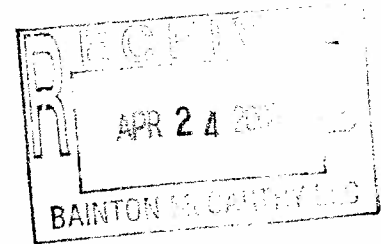
DJK:ds

cc: J. Joseph Bainton, Esq. (by fax)

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Daniel J. Kornstein
WRITER'S DIRECT DIAL NO. (212) 418-8610
WRITER'S E-MAIL ADDRESS dkornstein@kvwmail.com

April 23, 2008

J. Joseph Bainton, Esq.
Bainton McCarthy LLC
26 Broadway, Suite 2400
New York, New York 10004-1840

Re: Medici Classics Productions LLC
v. Medici Group LLC

Dear Joe:

I have enclosed an organizational chart listing the entities owned by our client. This should expedite plaintiff's discovery efforts, and may obviate the need for a deposition.

As you can see from the chart on the first page, the subsidiaries of Medici Group, LLC are split between Mosaic Digital Studios, LLC and Medici Arts, LLC.

None of the entities on the Mosaic side distribute the products at issue, and they do not make use of the "Medici" name to market or brand their products.

On the other side, Medici Arts, LLC is a holding company (as is Medici Group, LLC). As explained on the third page of the chart, while it is intended that all of the subsidiaries on this side of the business be transferred to Medici Arts, LLC, that transaction has yet to take place because of a tax matter. Only two of those subsidiaries are involved in the distribution of CDs and DVDs marketed under the Medici name -- EuroArts Music

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KORNSTEIN VEISZ WEXLER & POLLARD, LLP

J. Joseph Bainton, Esq.
April 23, 2008
Page 2

International, based in Germany, and Ideale Audience, based in France.

Medici Group, LLC and Medici Arts, LLC were set up to invest in these entities. Neither Medici Group nor Medici Arts manufacture or distribute the products at issue.

It remains our view that plaintiff has named the wrong defendants. Let me know how you would like to proceed.

Regards.

Sincerely,

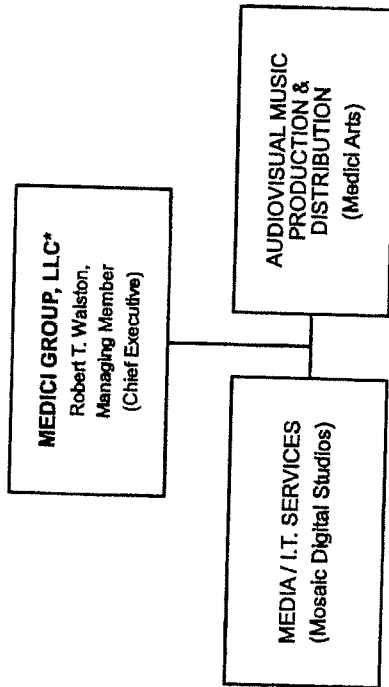
A handwritten signature in black ink, appearing to read "Dan Korn", written over the word "Sincerely,".

Daniel J. Kornstein

DJK:ds
Enclosure

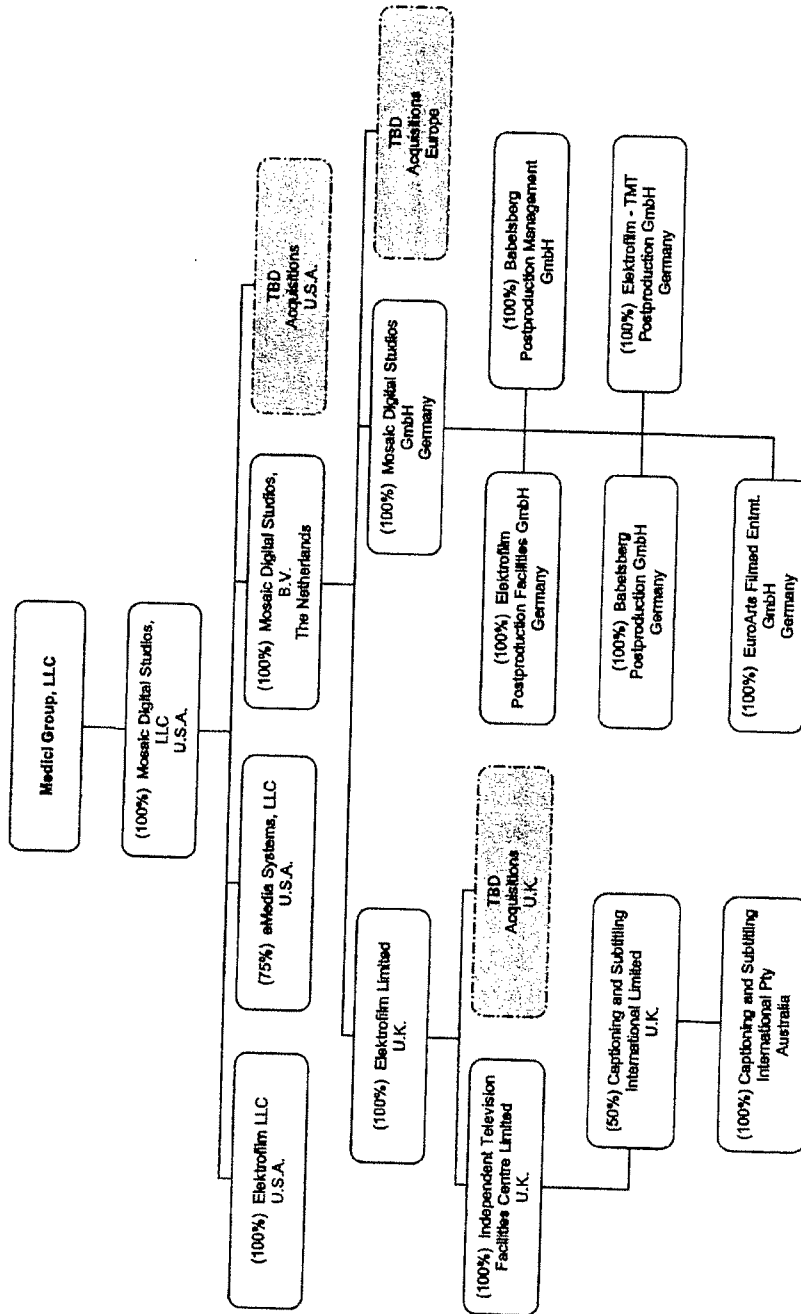
MEDICI GROUP - POST-CORPORATE RE-ORGANIZATION

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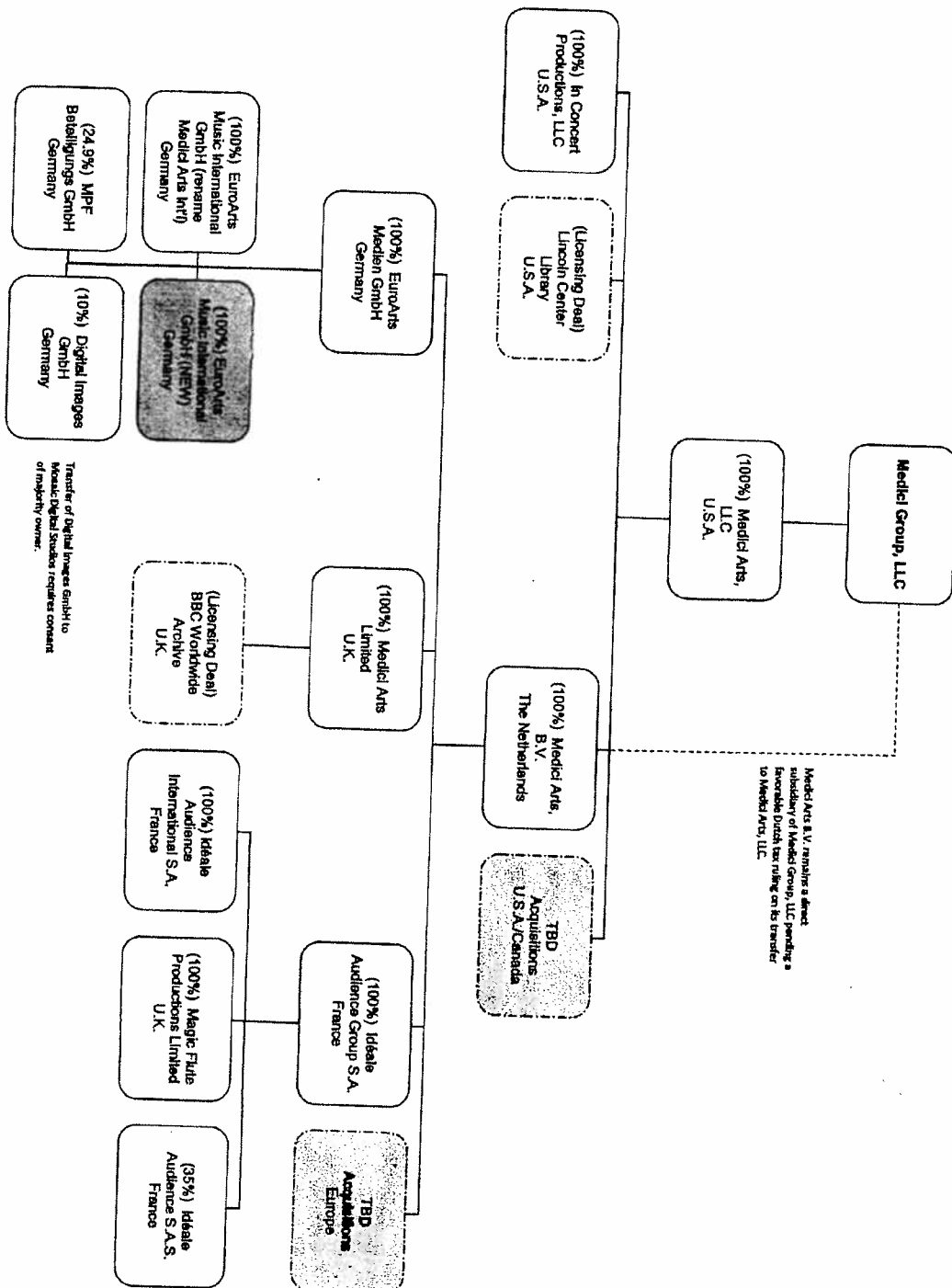


MEDICI GROUP - POST-CORPORATE RE-ORGANIZATION

10/3/2006 13:46



MEDICI GROUP - POST-CORPORATE RE-ORGANIZATION



Medici Legal Org Chart 20-Dec-07 JAC Proposed Draft



OUR TEAM

The Management

Dr. Phillip Frost, M.D. Chairman of the Board

Dr. Frost has served as our Chairman of the Board since our inception. Dr. Frost has served as Chief Executive Officer and Chairman of the Board of Opko Health, Inc. (formerly known as eXogenics Inc.) since the consummation of its acquisitions of Acuity Pharmaceuticals Inc. and Fropix Corporation on March 27, 2007. Dr. Frost is a member of The Frost Group, a private investment firm. Dr. Frost was named the Vice Chairman of the Board of Teva Pharmaceutical Industries, Limited, or TEVA, in January 2006 when Teva acquired IVAX Corporation, or IVAX, for \$9.2 billion, including assumed debt. IVAX was a multinational company engaged in the research, development, manufacturing and marketing of branded and generic pharmaceuticals and veterinary products. Dr. Frost had served as Chairman of the Board and Chief Executive Officer of IVAX since 1987. Dr. Frost was named Chairman of the Board of Ladenburg Thalmann Financial Services Inc., an American Stock Exchange-listed investment banking and securities brokerage firm, in July 2006 and has been a director of Ladenburg Thalmann Financial Services Inc. since March 2005. He serves on the Board of Regents of the Smithsonian Institution, is a member of the Board of Trustees of the University of Miami, is a Trustee of each of the Scripps Research Institutes, the Miami Jewish Home for the Aged, and the Mount Sinai Medical Center and is Co-Vice Chairman of the Board of Governors of the American Stock Exchange. Dr. Frost is also a director of Protalix BioTherapeutics, Inc., an American Stock Exchange-listed biotech pharmaceutical company, Continucare Corporation, an American Stock Exchange-listed provider of outpatient healthcare and home healthcare services, Northrop Grumman Corp., a New York Stock Exchange-listed global defense and aerospace company, and Modigene, Inc., a development stage biopharmaceutical company. Dr. Frost owns an equity interest in the general partner and in the limited partnership of Peregrine VC Investments II, a private venture capital fund based in Israel that invests primarily in early-stage Israeli technology companies, The Florida Value Fund LLP, a private equity fund focused on mid-market companies in the State of Florida, and Calnex Equity Partners, LP, an equity fund with a value orientation. Dr. Frost holds a Bachelor's Degree in French Literature from the University of Pennsylvania, and an M.D. from the Albert Einstein College of Medicine.

Robert N. Fried President, Chief Executive Officer and Director (310) 694-8150, ext. 1 rfried@ideationacquisition.com

Mr. Fried has served as our President and Chief Executive Officer and a member of our board of directors since our inception. Mr. Fried is a digital media entrepreneur and accomplished film producer. Since 1990, Mr. Fried has served as President of Fried Films, a motion picture production company he founded in 1990. Mr. Fried has produced or served as executive producer for 15 films, including "Man of the Year" and "Collateral." Mr. Fried's films have won numerous awards, including an Academy Award for the Live Action Short Film "Session Man," the ASCAP award for "Collateral," the Christopher Award for "Rudy," and Emmy, SAG and Golden Globe awards for "Winchell." Mr. Fried has founded several digital media companies, such as Spirit EMX, an internet video content company, and Ideation Mobile Media, a mobile advertising company which is unrelated to us other than through Mr. Fried. Mr. Fried has also served as consultant to numerous entities, advising them on studio slate financings, the formation of independent film production companies, computer animation, theatrical production, Internet planning and general strategic planning and business development. He was an investor in and served on the advisory board of WebTV Networks, Inc., which was sold to Microsoft Corporation for \$425 million in 1997, and Intermix, Inc., owner of Myspace.com, which Intermix sold to News Corporation for \$580 million in 2005. From November 1996 until June 2001, Mr. Fried served as Chairman of WhatsHotNow, Inc., or WHN, an e-commerce service provider to the entertainment and licensed merchandise industries, which he founded in 1996. WHN built and managed e-commerce and direct response commerce operations for major media companies, such as NBC, ABC, Fox, MTV, Comedy Central, Playboy, TV Guide, Sony Pictures, Universal and Paramount. WHN also built and maintained a business-to-business licensed merchandise retail exchange that managed the online product catalogs for over 130 licensee/manufacturers and had over 5,000 retail members. Mr. Fried also served as Chief Executive Officer of WHN from July 1999 until June 2001. From December 1994 until June 1996, Mr. Fried was President and Chief Executive Officer of Savoy Pictures, a unit of Savoy Pictures Entertainment, Inc. Mr. Fried led the turnaround of



Savoy's motion picture and television departments, which included marketing, distribution, business affairs, creative development and physical production. Savoy Pictures Entertainment was sold to Silver King Communications, which is now a part of InterActive Corp., in 1996. From 1983 to 1990, Mr. Fried held several executive positions including Executive Vice President in charge of Production for Columbia Pictures, Director of Film Finance and Special Projects for Columbia Pictures and Director of Business Development at Twentieth Century Fox. Mr. Fried holds an M.S. from Cornell University and an M.B.A. from the Columbia University Graduate School of Business.

Rao Uppaluri, Ph.D., CFA

Treasurer and Director

(310) 694-8150, ext.2

rupaluri@ideationacquisition.com

Dr. Uppaluri has served as our Treasurer and a member of our board of directors since our inception. He has served as the Chief Financial officer of Opko Health, Inc. (formerly known as eXegenics Inc.) since the consummation of its acquisitions of Acuity Pharmaceuticals Inc. and Froptix Corporation on March 27, 2007. He is also a member of The Frost Group. Dr. Uppaluri served as the Vice President, Strategic Planning and Treasurer of IVAX from February 1997 until December 2006. Before joining IVAX, from 1987 to August 1996, Dr. Uppaluri was Senior Vice President, Senior Financial Officer and Chief Investment Officer with Intercontinental Bank, a publicly traded commercial bank in Florida. In addition, he served in various positions, including Senior Vice President, Chief Investment Officer and Controller, at Peninsula Federal Savings & Loan Association, a publicly traded Florida S&L, from October 1983 to 1987. His prior employment, during 1974 to 1983, included engineering, marketing and research positions with multinational companies and research institutes in India and the United States. Dr. Uppaluri holds a B.S. and M.S. in Engineering from Andhra University in India and an M.B.A. and Ph.D in Finance from Indiana University.

Steven D. Rubin

Secretary and Director

(310) 694-8150, ext.2

srubin@ideationacquisition.com

Mr. Rubin has served as our Secretary and a member of our board of directors since our inception. Mr. Rubin has served as Executive Vice President-Administration and as a director of Opko Health, Inc. (formerly known as eXegenics Inc.) since the consummation of its acquisitions of Acuity Pharmaceuticals Inc. and Froptix Corporation on March 27, 2007. He is also a member of The Frost Group. Mr. Rubin served as the Senior Vice President, General Counsel and Secretary of IVAX from August 2001 until September 2006. Before joining IVAX, from January 2000 to August 2001, Mr. Rubin served as the Senior Vice President, General Counsel and Secretary of privately-held Telergy, Inc., a provider of business telecommunications and diverse optical network solutions. He was with the Miami law firm of Stearns Weaver Miller Weissler Alhadeff & Silterson from 1986 until 2000, in the Corporate and Securities Department. Mr. Rubin was a shareholder of that firm from 1991 until 2000 and a director from 1998 until 2000. Mr. Rubin currently serves on the board of directors of Dreams, Inc., a vertically-integrated sports products company, and Cellular Technical Services, Inc., which recently acquired Safestitch LLC, a medical device company. Mr. Rubin holds a B.A. in Economics from Tulane University and a J.D. from the University of Florida.

Thomas E. Beier

Director

Mr. Beier has served as a member of our board of directors since our inception. Mr. Beier served as Senior Vice President of Finance and Chief Financial Officer of IVAX from October 1997 until August 2006. From December 1996 until October 1997, Mr. Beier served as Senior Vice President of Finance of IVAX. Before joining IVAX, Mr. Beier served as Executive Vice President and Chief Financial Officer of Intercontinental Bank from 1989 until August 1996. Mr. Beier holds a B.B.A. in Accounting from the University of Miami.

Shawn Gold

Director

Mr. Gold has served as a member of our board of directors since our inception. Mr. Gold has served as Senior Vice President of Marketing and Content for MySpace.com since February 2006. Before joining MySpace.com, Mr. Gold co-founded Weblogs, Inc., a publisher of professional Internet blogs, where he served as Publisher from November 2004 until February 2006. From August 2000 until July 2002, Mr. Gold served as the President of eUniverse.com, an Internet media company. Before joining eUniverse.com, from early 1999 until August 2000, Mr. Gold served as Vice President of Marketing and Communications of WHN. From 1997 until 1999, Mr. Gold served as head of strategic planning at Rare Medium, where he created the inaugural interactive communication strategies for P&G, General Foods, Mattel and Nestle. From 1995 until 1997, Mr. Gold founded and served as general manager for Icon New Media's advertising division, publishing Word.com and Charged.com, where he created the first interstitial ads on the web and an industry-leading advertising system based on time rotation and contextual integration. He started developing interactive content in 1992 as a partner with TouchTunes Interactive, a telecommunications music marketing service in the USA, Japan and New Zealand. Mr. Gold holds a B.S. in Finance from Syracuse University.

David H. Moskowitz

Director

Mr. Moskowitz has served as a member of our board of directors since our inception. Mr. Moskowitz has practiced law at his firm David H. Moskowitz & Associates since 1984 and has practiced law for more than 40 years. Mr. Moskowitz holds a B.S. in accounting from Pennsylvania State University, an L.L.B. from Villanova University and a D.Phil. from Oxford University.

Special Advisors

Thomas H. Baer

Mr. Baer has served as a director of Medici Arts, B.V., or Medici, a Netherlands holding company, since its creation in September 2004, and as the Vice Chairman of Medici Arts, LLC since January 2007. Medici and its subsidiaries own EuroArts Music International and Idéale Audience, companies that produce and acquire audiovisual content in the classical and popular music fields and distribute libraries of audiovisual content that it owns or licenses, and

Elektrofilm, a media services company engaged by content owners and producers to perform post production, distribution, digital media and library services. Before joining Medici, Mr. Baer served as a consultant to the chairman and chief executive officer of Liberty Livewire, predecessor to Ascent Media, a media services company, from 2000 until 2001, and as a director of Four Media Company, prior to its acquisition by Liberty Livewire in 2000. After serving as an Assistant United States Attorney for the Southern District of New York from 1961 until 1966, Mr. Baer founded Baer & McGoldrick, now Schulte, Roth and Zabel, a law firm with offices in New York and London, where he practiced in the litigation, corporate, mergers and acquisitions, and entertainment fields from 1969 until 1980, first as a member of the firm and then as counsel to the firm. Since 1983, Mr. Baer has been active as a motion picture producer and as an executive in the entertainment and media space in partnership with Michael H. Steinhardt. In 1994, Steinhardt Baer Pictures Company, of which Mr. Baer is a General Partner, acquired a minority interest in October Films, which has since been acquired by Universal Pictures. Since 1983, Mr. Baer has served variously as president of Kings Road Productions and as a contract producer at Orion Pictures Corporation and Universal Pictures. Mr. Baer is a graduate of Tufts University and Yale Law School.

Jarl Mohn

Mr. Mohn, also known as Lee Masters, currently serves as Chairman of the Board of CNET, a on-line publisher of special interest content. Mr. Mohn also currently serves on the board of several media companies, including The E.W. Scripps Company, XM Satellite Radio Holdings Inc. and MobiTV, a television programming provider for mobile telephone companies. Mr. Mohn founded and served as President and Chief Executive Officer of Liberty Digital, Inc., a publicly-traded company that invested in mid-stage interactive television, cable networks and internet enterprises, from June 1999 until March 2002. Before joining Liberty Digital, from January 1990 until December 1998, Mr. Mohn founded and served as President and Chief Executive Officer of E! Entertainment Television. From 1986 until 1990, Mr. Mohn served as Executive Vice President and General Manager of MTV and VH1. Prior to his career in television, Mohn enjoyed a successful 19-year career in radio, where he was a disc jockey, programmer, general manager and owner of a group of radio stations.

Barry A. Porter

Mr. Porter is a co-founder and a Managing General Partner of Clarity Partners L.P., a private equity firm focused on investments in media, communications and business services. Clarity's transactions have included growth investments, leveraged acquisitions and build-ups, joint ventures, and recapitalizations. Mr. Porter also serves on the investment committee of Clarity China, an affiliated private equity firm focusing on investments in the greater China region. Before the formation of Clarity, Mr. Porter was a Managing Director of Pacific Capital Group from 1993 until 1997. While at Pacific Capital Group, Mr. Porter was a co-founder of Global Crossing, a telecommunications company, and he served in a variety of senior executive positions at Global Crossing from 1997 to 2000 and on that company's Board of Directors. Before joining Pacific Capital Group, Mr. Porter was an investment banker at Bear, Stearns & Co. Inc. from 1986 until 1993, where he became a Senior Managing Director and was a co-head of the media and communications practice, head of the gaming industries group and an active participant in the firm's high-yield activities. Before joining Bear, Stearns & Co. Inc. Mr. Porter was an attorney at Wyman, Bautzer, Rothman, Kuchel and Silbert in Los Angeles from 1983 until 1986, where he focused on media and entertainment matters. Mr. Porter currently serves as a director on the board of directors of BASE Entertainment, Liberation Entertainment and Westec InterActive. He is also involved in a variety of community organizations and is on the Board of the Independent School Alliance for Minority Affairs and on the Board of Public Counsel. Mr. Porter holds a J.D. and M.B.A. from the University of California, Berkeley, and a B.S. in Finance and Political Science from the Wharton School of Business, University of Pennsylvania.

Consultant

Michelle Crames

Ms. Crames is a digital media entrepreneur and consultant. As co-founder and CEO of Lean Forward Media LLC, Ms. Crames produced the award-winning interactive movie CHOOSE YOUR OWN ADVENTURE®: THE ABOMINABLE SNOWMAN, and co-developed the Up2U™ technology that enables viewers to control the storyline with their DVD remote control. Ms. Crames and her company have been featured in publications such as The Wall Street Journal, USA Today, Harvard Magazine, the LA Times, and Life Magazine. Lean Forward Media won first place out of hundreds of entries in Venture Bowl 2004, the largest business plan competition in the country, resulting in a multi-million dollar venture capital deal. The same year Ms. Crames opened the NASDAQ, and was named by Forbes the Future Capitalist of the Year. Ms. Crames has worked for and consulted to Warner Bros., The Walt Disney Studios, Content Film, and a variety of industries in the U.S. and abroad. Ms. Crames led online marketing and partnerships for EqualFooting/Equidity.com, and was a consultant with McKinsey & Company. At McKinsey, Ms. Crames developed and communicated strategic plans to clients, including working on a global branding study, and leading a client team to launch a new \$200 million marketing program. Currently, Ms. Crames serves on the advisory board of SPICE, a multi-billion dollar media conglomerate based in Asia, and on the Board of Directors of Cellebrum, a Lehman Bros.-funded mobile value added services provider based in Delhi. Ms. Crames also serves on the Board of Directors of the Film Advisory Board. Ms. Crames has a B.S. dual degree in Operations Research & Industrial Engineering, and Hotel Management from Cornell University, and received an MBA from the Harvard Business School in 2003, where she was awarded the Robert F. Jasse Award by the Entrepreneurship faculty as the graduating student most exemplifying strong entrepreneurship and leadership skills.



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Entity Name: **MEDICI ARTS, LLC**

Entity Kind: **LIMITED LIABILITY COMPANY (LLC)** Entity Type: **GENERAL**

Residency: **DOMESTIC** State: **DE**

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City: **DOVER** County: **KENT**

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Medici Arts, a producer and distributor of music and arts related audiovisual programmes, acquired the Audio Visual Division of IMG Artists in January 2007 to form Medici Arts UK Limited. Prior to this date, the division had been formed in 1998 by Stephen Wright, then Managing Director of IMG Artists and John Patrick, for over 30 years a senior executive at EMI, to originate, produce and distribute the BBC Legends label. In 2002, the division initiated the acclaimed Great Conductors of the 20th Century series in collaboration with EMI as well as the Boston Symphony Centenary (2001), Royal Stockholm Philharmonic Orchestra (2004) and La Scala commemorative archive (2006) sets. In addition to this, division created the Classic Archive DVD series with Ideale Audience in Paris which is currently marketed and distributed by EMI. In 2005, the division signed a major contract with the Royal Opera House Covent Garden to source, produce and market their archives worldwide under the Heritage name.

After the acquisition by Medici Arts in January 2007, Medici Arts UK Limited was re-organised into Medici Audio under John Patrick (Director) with Jules Hammond (Product Manager) maintaining its exclusive contracts with BBC Worldwide to compile, produce and internationally distribute the award winning BBC Legends archive label (currently 250 titles sourced from the BBC's own archive from 1938 to the early 1990s) and the Royal Opera House, Covent Garden's Heritage series (rare archive recordings from the early 1950s to the late 1990s) in collaboration with BBC Radio 3. In May 2007 Medici Audio launched its own mid-price Medici label which includes archive material licensed from the European broadcasters such as WDR in Cologne and major record companies like EMI Classics etc. In addition, other special audio projects for Medici Arts will also be handled by Medici Audio.

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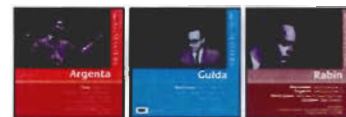


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MAGDALENA BACEWSKA: Faculty Montclair State Univ. — Studies with Prof. Rose/Mannes College, C. Keene/Manhattan School of Music — Kosciuszko Fdnt. & MacKenzie Award — Recitals US & Europe

ALESSIO BAY: First prize 2000 Leeds, First Prize Hamamatsu — Study/Medicarro/Dallas & Siena — London Phil, Dallas & NHK Sym. — Bartle, Alsop — Verbier, Ruhr Festivals — Warner, Naxos, Fonit

ASAIF BLASBERG: Studies: J. Rose/Mannes, J. Lowenthal/Juilliard; Concerts — Last Three Sonatas of Schubert; Complete Sonatas of Schumann; Complete Sonatas of Brahms; All Liszt Program

ALEXANDER BRAGINSKI: Faculty Univ. of Minnesota; Fndng. Pres./Artistic Dir. Internl. Piano e-Competition - Moscow Conserv. grad, Goldenweiser student — Concerts: USSR, Israel, Europe, China

LUCILLE CHUNG: Perf. Montreal Sym, Phila. Orch., Seoul Phil. — Wigmore, Carnegie, Concertgebouw — 1st prize Stravinsky Compet. — Curtis, Juilliard, Salzburg, Imola, studies w/Berman, Achucarro — Ave CDs

SARA DANESHPOUR: 2nd Prize 2007 Kapell Competition; 1st prize San Jose Competition; prizewinner at Canals - graduate of Curtis — studies with Fleisher; D. Volkov - Kennedy Center, Carnegie Hall, Moscow

DAVID DUBAL: Faculty Juilliard — pianist, teacher, writer, lecturer, broadcaster — Reflections from the Keyboard WQXR New York; DVD Golden Age of the Piano; Essential Canon; The Art of the Piano

PHILIPPE ENTREMONTE: World-wide tours as soloist, recitalist and conductor — Princ. Cond. Munich Symph. Lifetime Cond. Emeritus Vienna Chamber Orch. Cond. Emeritus Israel Chamber Orch. — CBS, Sony, Teldec CDs

MARTINA FILJAK: 1st prize 2007 Bartok-Prokofiev-Kabalevsky; Viotti; 5th prize Busoni; Studies w/ Kovacevich, M.K. Kim/Manover; Concertgebouw, Boesendorfer S., Vienna, Salle Cortot/Paris; Carnegie Hall.

CLAUDE FRANK: Faculty Curtis and Yale—Beethoven cycle Music & Arts label — World-wide tours as soloist with orch., recitalist and chamber music; Sonatas with violinist, Pamela Frank; Studies with Arthur Schnabel

ADAM GOLKA: 2008 Gilmore Young Artist Award — Gold Medal Shanghai Competition — ITU w/Jose Feghali — Milwaukee, Dallas, Houston, Ft. Worth, San Diego Sym. — Ravinia & Gilmore Rising Stars series

MARC-ANDRÉ HAMELIN: Performances/recitals with major orchestras and in venues worldwide — Gramophone Magazine award; Grammy award nominee — Chopin-Godowsky, Busoni, Allart; Hyperion records

DAEJIN KIM: Faculty Korean National Univ. of Arts — Beethoven, Mozart Concerti cycles — 1st prize Casadesu Competition - Juries: Haskil, Cleveland, Ettlingen, Sendai, Paderewski, Rachmaninoff - Acordia, Sony CDs

SUNWOOK KIM: First Prize Leeds 2006, Clara Haskil 2005, Ettlingen 2004, Korean Natl. Univ. of Arts w/Daejin Kim — Budapest Fest., Radio France Phil., London Phil., Halle Orch. — Fischer, Chung, Elder — Ruhr Fest.

DIANE KIRKPATRICK: Faculty Brooklyn College — Studies: Rose, Krosnick, Wasson, Sanders/Juilliard — Winner AIMA Compet. — former Faculty; Coll. of New Rochelle, Bergen Comm. Coll. — Recitals US & Europe.

ALEXANDER KOBIRIN: Gold Medal 2005 Van Cliburn / 1999 Busoni; Prizewinner Hamamatsu and Chopin — Moscow Cons./Naumov — Faculty Gnessin Acad. — NY Phil., Moscow State & Tokyo Sym. — Harmonia Mundi

DENIS KOZHUKHIN: Third prize 2006 Leeds competition — Queen Sofia Music School studies/Baskitov — Verbier Fest — Recitals: Paris, Munich, Madrid, Russia — Halle Orch with Mark Elder

EMANUEL KRASOVSKY: Faculty Tel Aviv Univ. — studies at Juilliard — Israel Phil/Bernstein — Dir. Tel Hai Piano Masterclass — Juries: Rubinstein, Leeds — Classes: Juilliard, Queen Sofia/Madrid, Paris, Berlin, Finland

JANINA KUZMAS: Faculty Univ. of Regina Canada — Concerts in Europe, Russia, N. America — studies: J. Rose, R. Silverman — Recitals: Vancouver/Vinius, Kiev, Krakow — Recording: Rachmaninoff, Musorgsky

NINA LEITCHUK: Faculty Queens College — Prizes: Chopin, M. Long, Cliburn competitions — Orchs: Cleveland, Pittsburgh, Moscow, Leningrad — Classes at Toho, Holland, Univ. of Michigan — Telarc & EMS

STEVEN MAYER: Recording complete lves and Tatum for Naxos — Prof., Univ. of Denver; Manhattan School — Orchs: Gewandhaus, Minnesota, San Francisco, Rotterdam; De Waart, Blomstedt, Conlon, Slaktin

DUDANA MAZMANISHTIL: Busoni Prizewinner 2007, Washington Int. Compet. 2005; Mannes Rosenberg prize — studies with T. Apakidze, E. Vrsaladze, Jerome Rose; Perf. Munich, Paris, Vienna — Oehms CDs

NIKITA MNDOVANTS: Gold Medal Paderewski Competition Poland 2007 — Moscow Conservatory composition; piano studies w/Petrov — Helsinki, St. Petersburg, China, Spain — Verbier, Tel-Hai Festivals

IRINA MOROZOVA: Faculty: Mannes College, Special Music School of America — St. Petersburg Conservatory, Manhattan School of Music grad — Berlin Radio Sym. — Recitals: US, Russia, Europe

QUYNH NGUYEN: Faculty Hunter College — Studies: J. Rose/Mannes; B. Davidovich/Juilliard; Canin/DMA CUNY — Musical America 2004 “Star of Tomorrow” — Recitals: US, Europe, Asia — Laureate KIF

ALBERTO NOSE: 1st prize 2005 Santander & 2000 Vendome Competitions; 2nd prize Busoni, Long-Tribaut — Imola/F. Scala/L. Margarius — Recitals: NY, London, Berlin, Paris, Tokyo, — Naxos & Naxos

MICHAEL OELBAUM: Faculty Mannes — Teaching Oxford, Sibelius Acad., Juilliard — Studies/Rosenberg Mannes; Serkin/Marlboro — NJ, Nashville, San Jose Sym., Vienna Cham. Orch. — Bridge CD Diabelli

HAESUN PAIK: Gold Medal Kapell, Silver Queen Elisabeth, Bronze Tchaikovsky — Faculty Seoul National Univ. — Graduate New England Conservatory; — Soloist: Boston & London Sym, Munich Phil. — EMI records

ANDREY PONOCHEVNY: First prizes: Kapell, Tomasoni (Cologne), Bronze medal Tchaikovsky; Recitals: Alice Tully Hall, Carnegie Weill, Wash.DC, Ruhr Festival, Paris, Santander, Bonn, San Juan, Warsaw Philh.

MENACHEM PRESSLER: Founding member and pianist Beaux Arts Trio — Distinguished Prof. Indiana University — World wide tours and appearances with major orchestras — 50 recordings with trio; 30 solo CDs.

DMITRY RACHMANOV: Dept Chair CSU Northridge; former Faculty Roosevelt Univ./Manhattan School; Studies: Gnessin School, Juilliard, Manhattan; — CDs: Vista Vera, Master Musicians, Omniscience

JEROME ROSE: Founder/Dir. KIF — Faculty Mannes College, Mozarteum Salzburg — Gold Medal Busoni — Berlin Phil., Chicago Sym./Solti; Sawallisch/Vienna — Recordings: Medici — Liszt Grand Prix du Disque

VICTOR ROSENBAUM: Faculty New England Conserv., Mannes, Longy (former Dir & Pres) — Studies Lhevine, Shure — Tanglewood, Yellow Barn — Recitals/classes: Russia, Japan, China, Israel, Europe; Bridge/Fleur de Son

JOSÉ RAMOS SANTANA: Faculty Kean Univ. — Juilliard grad — Bachauer prizewinner — studies: A. Marcus, L. Fleisher — NY Phil., Detroit Sym. — Tours Japan & China — Recording: Fleur de Son/Royal Phil.Orch

EDISHER SAVITSKI: 1st prize E-Competition 2006; Hilton Head 2001 — Zankel, Wigmore, Salle Cortot, Marinsky Theater — Salzburg, Gilmore, Ravinia, Maggio Musicale, Ruhr Fest — Torade Studio; Indiana Univ.

VLADIMIR SHAKIN: Faculty/grad St. Petersburg Conserv., Russia — Prizewinner Schumann, Beethoven, Liszt Competitions — Recitals/Classes: Russia, Europe, Asia, US — Recordings: Melodiya, Sony, Diapason, Audiolib

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MYKOLA SUK: Faculty Univ.Nevada, Las Vegas — Gold Medal Liszt-Bartok Compet.— Studies Moscow Conserv./Lev Vlasenko — Russian National Sym./Pleney — Vienna, Toronto — Melodiya, Hungaraton

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IAN YUNGWOOK YOO: Gold Medal Beethoven Competition Bonn 2007, 2nd prize E-Competition 2005; 1st prize Santander 1998 — Studies w. Lowenthal, Mikowsky, Rose; Manhattan School of Music — Naxos CDs

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Gramophone Magazine March 2004

Rose's Schumann Blooms. Powerful Schumann playing is allied to a wide-ranging, imaginative response

Fanfare Magazine May 2004

Finally, there is Rose's reading of the "Wanderer" Fantasy, which is everything it should be-technically adept, fiery, meltingly lyrical in the piercing slow movement, and in brilliant command of the keyboard in the fugal finale. This performance of the "Wanderer," perhaps Schubert's best known large-scale piano composition, so beloved by audiences and so often recorded, ranks among the best.

New York Times July 2004

He stretched and shaped Schubert's melodic phrases with an extremely free sense of rhythmic rubato. Mr. Rose tore into the work (Brahms f minor Sonata), fearlessly playing the opening flourish, with its leaps from thunderous low octaves up to brawny outbursts of chords.

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NEW YORK TIMES – Allan Kozinn, July 2006**Romanticism That Is Not Just Incurable, It's Contagious**

"Jerome Rose, the festival's founder and director, gave the opening recital on Sunday evening in a program calibrated to his strengths, which include the sonic heft, broad gestures and grand scale of Romanticism... Mr. Rose closed the first half of the program with a thundering account of Schumann's G minor Sonata that put the music's audacious outbursts into high relief, but didn't skimp on its gentler qualities, like the singing melody line in the Adagio. Similar qualities – with a greater emphasis on poetry and lilting themes than on thunder, though there was some of that as well – enlivened the four Chopin Ballades."

THE NEW YORK SUN – Fred Kirshnit, July 2006**Our Last Romantic**

"Every generation has its 'last Romantic', a pianist who captures, to an extraordinary degree, the windswept spirit of the late 19th-century Lisztian camp. Josef Hofmann was the first last Romantic, bringing into the 1930s and '40s the wisdom of the previous century. A decade later, Vladimir Horowitz followed suit. The 1960s brought Artur Schnabel, who learned from masters who learned from masters of the original stripe. And in more modern times, the last Romantic was the cult figure Shura Cherkassky. Jerome Rose might be considered the last Romantic of our own age... This unique recitalist soundly traversed Robert Schumann's notoriously devilish Sonata in G minor, op. 22, ...and everything about Mr. Rose came together for a memorable reading of Chopin's Four Ballades."

GRAMOPHONE – Bryce Morrison, August 2005**Fiery Liszt from Rose**

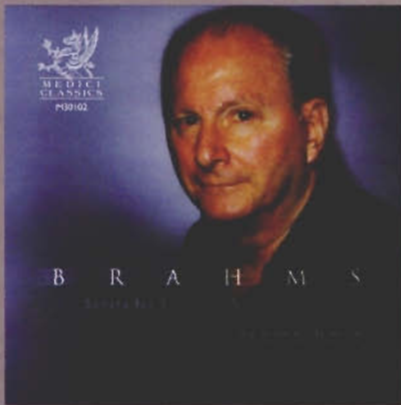
"Plenty of dazzling moments, as befits a virtuoso, but fine musical sense, too – Jerome Rose... has returned with a vengeance, recording many of the greatest masterpieces of the repertoire. Rose sees it (the Sonata) in a lucid, modern perspective, never labouring his points, but balancing sense and sensibility with enviable clarity and assurance."

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JEROME ROSE: Founder/Director: International Keyboard Institute & Festival (July 15-29, 2007)
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Jerome Rose

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*Cover photograph of Jerome Rose
by John Landolfi*

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"The work of an artist is to understand the message behind the music and then interpret it for audiences – that is what art is all about. The moment a pianist touches the instrument there should be something magical in the sound. It does not matter if it's one note or two.."

– Jerome Rose

Photo by John Landolt. Courtesy International Keyboard Institute and Festival





"Piano performance is like a Broadway show that repeats every night with a different audience. You have to hit the mark every night."

Rose with Leonard Shure, "who spent an unearthly amount of time on one phrase, which forced me to hear the details in the score and to create beautiful phrases."

Jerome Rose

by Patrick Meanor

Romanticism is playing on the edge – playing as though your life depends on it," says distinguished American pianist Jerome Rose. "In a performance it is important to create moments that transcend conventional interpretations, even though they may not feel comfortable or secure. There is a certain feeling of madness – otherworldliness – that the great composers felt deeply when they wrote for artists to express."

Patrick Meanor is professor of English at the State University of New York, Oneonta, where he has taught for 33 years. He has written or edited eight books and nearly 160 essays, articles, and reviews; and his C.D. reviews are in Listener Magazine and Fanfare. He has also published interviews with pianists Cécile Ousset, Idil Biret, Leslie Howard, Cyprien Katsaris, Alexis Weissenberg, Sergei Babayan, Alexander Toradze, Jean-Yves Thibaudet, and violinist Nadja Salerno-Sonnenberg.

Rose learned about those moments early in his career. They led to a debut at the age of 15 with the San Francisco Symphony during the time he studied with Adolph Baller. Rose later coached with Leonard Shure (a pupil of Artur Schnabel) and Rudolf Serkin at the Marlboro Festival and graduated from the Mannes College of Music and The Juilliard School. He was also a Fulbright Scholar in Vienna.

While still in his 20s, Rose won first prize at the International Busoni Competition in Italy. He has performed with such orchestras as the Chicago Symphony, Berlin Philharmonic, and the Royal Philharmonic and has recorded the works of Beethoven, Schubert, Schumann, Chopin, Liszt, and Brahms.

In 1999 Rose founded the International Keyboard Institute and Festival in New York City, which this year will include 42 guest pianists and 28 concerts, July 15-29, at Mannes College. The event gives pianists

from around the world the chance to meet, hear great performances, and attend masterclasses by prominent musicians. Rose is a faculty member at Mannes College, and in 2001 he was awarded an honorary doctorate degree from the State University of New York for lifetime achievement in music.

What were some important lessons you learned as a student?

My teachers gave me the ability, the musical discipline, to study and to arrive at an interpretation on my own. They encouraged me to think and study independently. I often tell students that how they practice is how they play, and how they study is how they interpret. Performance takes a thorough knowledge and understanding of how music is constructed and how it should be interpreted. The goal is to take a score and make it come alive, but many students today are hesitant to assume responsibility for an interpretation. They often expect to

he told how to play every phrase of a piece. This limits their growth in becoming mature artists.

Each of my teachers infused my ears with great playing. Leonard Shure did not move on to the next phrase unless a student absolutely mastered the first phrase. He spent an unearthly amount of time on a phrase, which forced me to hear the details in the score and create beautiful music.

What difficulties do you notice in piano students today? Are their problems musical, technical, or a combination of both?

Students and artists have the same problem, and that is how to make the music come alive and do it on a daily basis. I give students a tremendous amount of independence so they develop musically and emotionally to become great performers. Once they walk out on a stage, they face an audience alone, but they also face themselves and are responsible for the music.

The message I tell students is that audiences want pianists who will fill the hall with sound and who are exciting. Playing in a living room or a studio is not the same as performing with an orchestra in a large concert hall.

Pianists need a strong personality to play in front of an orchestra of 60-100 musicians. Many soloists seem to disappear in front of an orchestra rather than fill up the stage with personality and sound.

How did the great pianists like Gieseking and Moiseiwitsch keep up their vitality as performers? The sheer act of having to travel and play in different cities every second or third night is difficult.

Piano performance is like a Broadway show that repeats every night with a different audience. You have to hit the mark every night. At the same time, the more pianists perform, the more they learn to cope

with the pressure and adjust their lives. I still remember Jorge Bolet, whose only compliment to himself was, "Well, not bad." He would never say a performance was good. It is similar to watching Tiger Woods

lifelong experiences into minutes, and other great arts, such as painting and films, do this as well.

Pianists need to understand that music is drama. A pianist becomes a single actor on stage who makes



Rose at the piano in a rehearsal with cellist Pablo Casals, the Marlboro Festival, about 1956.

become angry after missing a shot. He sets a certain standard and wants to meet it.

What are the qualities of great pianists?

Truly great pianists have something profound to impart about the world through music. Every artist is in some way a philosopher, a highly developed messenger whose technique helps him to communicate through the instrument in a meticulous way.

It is difficult to convey the truly great messages of composers. I believe music is a condensation of life; it is autobiographical – a statement of intellectual prowess. A musical work can encapsulate



"I am the son of what some people refer to today as a piano mother; my mother adored music and was always involved with music, so my future as a pianist was sealed before I was born."

music come alive in dramatic ways. I'm talking about well-thought-out interpretations, with nothing exaggerated or artificial.

One of my favorite sayings is, "You play who you are." Schnabel once said to his students, "You play with as much Beethoven as you have in you." This has a lot to do with a pianist's experiences in life and his understanding of other people. Beethoven brought a lifetime of human experience to his music, with each score composed as a dramatic script interpreted through sound.

The work of an artist is to understand the message behind the music and then interpret it for audiences – that is what art is all about. The moment a pianist touches the instrument there should be something magical in the sound. It does not matter if it's one note or two.

Wiessenberg said the minute Rubinstein touched the piano, it was like being cushioned in radiance. One note would do it.

I remember that Rubinstein performed the F minor Nocturne as one

beautiful legato passage with just one finger; he catapulted the sound into a hall. Rubinstein understood the need to fill every corner of the hall with sound, and he was able to blend one note into the next.

Do you specialize in playing certain repertoire?

I believe pianists should be able to play anything, even if they don't have an affinity for a piece or musical style. By learning how to perform a work with conviction, they grow as musicians. Pianists should master every style, including contemporary music.

Of course there are pieces and composers one person plays better than others, but playing only what is comfortable diminishes a pianist's education and growth. I encourage students to explore a variety of musical styles because it will only help them. I often think of the actor Sir Lawrence Olivier, who threw himself into all types of characters and different roles – even those that were perhaps foreign to his personality and training.

As a young pianist growing up, I remember not being particularly interested in the music of Franz Liszt, until I received a contract to record his music. I agreed to the contract and ended up recording all the major repertoire by Liszt. It became a great event in my life, and studying this repertoire helped me in performing other works. I learned the value of mastering each musical style and knowing what makes them distinct.

What are your early musical memories?


I am the son of what some people refer to today as a piano mother; my mother adored music and was always involved with music, so my future as a pianist was sealed before I was born. Her father was a music critic in New York, and my brother was a superb violinist.

I grew up in San Francisco and as a child heard everyone who performed there – Benno Moiseiwitsch, Arthur Schnabel, Solomon, and Walter Gieseking, Vladimir Horowitz, and William Kapell as well as Heifetz, Oistrakh, and Rostropovich. The

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JEROME ROSE, *cont'd from page 18*

opera house was a second home before we moved to New York. My earliest teacher was Marvin Maazel, an exceptionally fine pianist whose career was sadly interrupted during World War II.



A youthful Rose with Arthur Fiedler

Years later I discovered a book that listed Maazel as one of the brilliant young pianists of his time. I studied with him from the age of five and had my first concert when I was six; at age seven I played Bach Inventions for another concert. I still remember Maazel sitting in a chair, smoking cigars and teaching. He was the uncle of conductor Lorin Maazel.

At age nine I moved to Berkeley to study with Marcus Gordon, a former pupil of Rosina and Joseph Lhévinne. Later, when Gordon went on an extended concert tour, I studied with Harald Logan, who had spent many years in Berlin with Egon Petri. Logan was a great friend of William Kapell and was devastated when Kapell's plane crashed outside of San Francisco in 1953.

A critical time in my development was the four years I studied with Adolph Baller. He had accompanied and toured with violinist Yehudi Menuhin during World War II. During that time I also studied harmony, counterpoint, and music history at the San Francisco Conservatory of Music, which helped my development and understanding of musical structure. These subjects are valuable because young pianists need to know

how a piece is put together to play it convincingly.

Baller introduced me to Rudolf Serkin, who invited me to Marlboro in 1956. Serkin said I should go to New York to study with Leonard Shure, who was an assistant to Artur Schnabel.

Shure was a great friend of Leopold Mannes and taught both private and college students, so I went to the Mannes College and finished a degree in three years.

Juilliard accepted me as a chamber music major, but I still had to pass piano examinations. I studied chamber music with the Juilliard Quartet and piano with Claus Adam, who was the cellist of the Juilliard Quartet.

One of the most memorable concerts of my life was Rubinstein's performance at Carnegie Hall,

when a friend and I tried to get tickets last minute. The only seats left were on stage, so we sat just six feet away from him. I think he felt the energy and attentiveness of the audience that day, because he often looked at us.

What inspired you to start the International Keyboard Institute and Festival?

The motivation came from other festivals I created, beginning in 1981 with *The Romantics* in London, England. It featured music, poetry, fine arts, and theater in 45 events held in five days. The second festival in 1986 recognized the 100th anniversary of Liszt's death; in 1997 the Library of Congress invited me to create a festival with music and lectures for the 200th anniversary of the birth of Schubert and the 100th anniversary of the death of Brahms.

The International Keyboard Institute & Festival began in 1999 at the Mannes College of Music where I am a faculty member. The idea was to provide an in-depth study of the piano that had never before accomplished in a summer festival.

What was the scope of the first festival?

It had about 50 students from around the world with lessons and daily concerts. All the lessons were taught as masterclasses and open to anyone to

walk in and out at any time, so students could participate in the vast piano repertoire and observe various styles of teaching.

The festival has grown and today has an enrollment of 150 students and 42 professional performers and faculty, and there are 28 concert events. There would be no festival without the help of Dorothy MacKenzie, a wonderful woman from Ohio, who supports the arts. She has helped me by offering student scholarships and personal assistance to countless families and friends. She is truly one of the finest individuals I know.

Would you please share some memorable highlights of past festivals.

The most memorable was the concert given in recognition of Rosalyn Tureck, a prominent harpsichordist and pianist and an important person in the history of the keyboard. I had engaged her to appear in the 2003 festival, but several months before the performance date she became too ill to play, so we agreed to an interview on stage. Her health continued to deteriorate so instead of the interview, friends spoke about her and several favorite students performed. David Dubal was the moderator of the event.

The recorded tape of this homage was on its way to Rosalyn Tureck when I received a notice that she died ten minutes after the tribute to her ended. It was as though she needed to stay alive to witness the event.

The next most memorable moments were the performances and interviews with Earl Wild in his 90th year, which was like seeing the history of the piano come alive on stage. We were lucky to present György Sándor in one of his last appearances and equally blessed to have Alicia de Larrocha on stage.

In 2002 Ruth Slenczynska shared her personal account of studying with Rachmaninoff, Schnabel, and Cortot in a concert and interview.

Do you ever wish you pursued a career in an area other than the piano?

Every day of my life. You need to understand that a person who does well has an increasing responsibility to keep the standard high. This is true for any profession. In the world of classical music, concert artists cannot accept slipping back to a lesser level of technique or musicianship.

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D.V.D. Review



When I first heard Jerome Rose in 1989, the West Coast pianist had come to give a workshop on the arrangements of 12 mazurkas for voice and piano made by Pauline Viardot, the great mezzo-soprano who was Chopin's friend.

In our interview then I found an eager, erudite mind of sensibility and hursting ideas. Rose steered his career by his personal interests, doing things for their own sake, like recording more Liszt than anyone had, before the Liszt revival. His early performances showed a builder, whose every note fit into his entire plan. You always felt his grand design, though sometimes the seams showed.

Twenty years later Rose is still the builder, with plenty of artistic growth to show on his first D.V.D., *Jerome Rose Plays Chopin, Live in Concert*. Happily given to Chopin's idea of *bel canto* in six of the composer's most expansive compositions, he comes on stage, faces his audience, eyes half closed with a blissful smile, and sits for Chopin's first Ballade in G Minor, Op. 23. The born storyteller senses the poetic power of the legend about to unfold and dives head first into the narrative stream. Gone are the seams.

Rose trusts his intuition and lets the music well from inside, guiding each phrase by subtle rubatos or restraint, phrases whose end notes bloom organically into new phrases, ideal for ballades. The Ballades to come are in the order Chopin composed them: Ballade #2 in F, Op. 38; Ballade #3 in A♭, Op. 47; Ballade #4 in F Minor, Op. 52, weeping chromaticism like a Divine Comedy of human dreaming.

In each ballade Rose knows and clearly shows the exact means. He suspends a note, pedals a pause that

turns dreams to nightmare as the lulling dance rhythm accelerates, only to crash in a resonant silence. Rose makes it happen every time.

The artist's combination of long vision with articulate detail works as well for the two Chopin sonatas that end the D.V.D. – the dramatic, conflicted Funeral March Sonata, Op. 35 in B♭ Minor and the angelically lyrical B Minor Sonata, Op. 58, where Rose sings every note of an endless melody in a *bel canto* style.

Rose's timing of tensions is superb. He builds with achingly gradual restraint through the dominant harmony that returns the prodigal theme at last intact. It is doubly affirmative, symphonically augmented to the relief of all – in a wash of Romantic agony. The D.V.D. is full of such moments, and you will want to hear it again and again.

As an extra, Rose speaks with his friend David Dubal about Chopin's genius, full-bloom in his early concert pieces and strongly individual to the end. (Medici Classics/V.A.I. M50019)

– Robert Dumm

TEACHING PIANO WITH IMAGERY

Continued from page 13

just love the medium. I am not an expert on Bach but love his music. What matters is that teachers borrow ideas from many human experiences to inspire the imaginations of students, and great works of art should be among those experiences.

I once taught Arnold Schoenberg's *Six Little Piano Pieces*, Op. 19 and used "Animated Landscapes" by Spanish surrealist Joan Miró (1893-1983) and Salvador Dalí's (1904-1989) "The Persistence of Memory," with its famous image of melting clocks to convey musical ideas to students. Both paintings helped students to understand the strangeness and primeval spirit in the Schoenberg work, where tonality is nonexistent.

The Miro painting gives me the feeling of looking at a droplet of water under a microscope, with bacterial-looking figures that seem to float aimlessly in space. Dalí painted a distorted world, as though the image was some kind of hallucination.

A painting by American Jackson Pollock (1912-1956), "Autumn Rhythm (number 30)," best expresses the

sense of chaos that is sometimes present in much atonal music. Russian painter Wassily Kandinsky (1866-1944) is similar in chaotic expression.

While it is great to share reproductions of great paintings in art books, it is more exciting for students to see paintings in person. I ask the parents to take their children to an art museum at least once each semester to become acquainted with the paintings of great artists. The students then share their museum experiences with me during lessons. If parents give me advanced notice about the visit, I recommend specific paintings or styles of art to see, depending on the pieces the student is studying.

Many of the large metropolitan cities have a wide choice of museums to visit, such as the Metropolitan Museum of Art, the Frick Collection, The Museum of Modern Art, and the Morgan Library in New York City. The imagery in great paintings can help to clarify concepts of sound, emotion, and movement in music. Jean-Antoine Watteau created paintings that show gaiety and lightness of heart, and portraits by Thomas Gainsborough personify elegance and long lines that are applicable to music.

The tranquil landscapes of the Baroque Netherlands portray an atmosphere of the open space filled with fresh air. In addition to "The Wedding Dance," Bruegel painted many scenes of everyday peasant life – working in the fields, a banquet, the market, children playing. Turner's works are luminous, whereas Delacroix painted with coloristic ferocity and Pollock created chaos on each canvas.

These are priceless sources of imagery that can stimulate the imaginations of students to play with a sense of style, movement, joy, or sorrow. Once a student gets past note learning and masters the technical difficulties in a piece, the imagination is left – the life itself of music making. □

Viardo Piano Competition

The 2007 Viardo International Piano Competition will be held September 14-16 in Dallas, Texas. The junior category (ages 12-17) first-place winner will receive a \$1,000 prize and the senior category (ages 18 and older) first-place pianist will receive a \$4,000 prize. Application deadline is July 30. Music other than standard repertoire has to be approved by the competition committee. (www.viardo.com)

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Jerome Rose



Genre
Keyboard Music

Years Active
1973-

Other Entries
Popular Music
Entry

AMG Artist ID
Q 49380

Corrections to this Entry?

Select a Credit Type to view:

Credit Type	Album Title	Date	Label
Piano	25 Beethoven Favorites	1996	Vox
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Piano	25 Romantic Moods	1997	Vox
Piano	Adagio Music for A Romantic Evening	1996	Vox
Piano	Beethoven: 3 Piano Sonatas	1994	Vox
Piano	Beethoven: Sonatas for piano No8; Sonatas for piano No14	1998	Masterpiece
Piano	Beethoven: The Last Three Sonatas	2001	Monarch
Piano	Brahms and Liszt Back to Back	2000	Vox
Liner Notes	Brahms: Sonata No. 3 F minor; Handel Variations		Medici
Piano	Brahms: Sonata No. 3 F minor; Handel Variations		Medici
Piano	Chopin: 3 Piano Sonatas	1996	Sony
Piano	Chopin: Four Ballades and Fantaisie	2002	Monarch
Piano	Chopin: Sonatas for piano No2; Sonatas for piano No3		Newport Classic
Piano	Eternal Beethoven	1995	Special Music
Editorial	Franz Schubert: Die Winterreise		Medici
Piano	Franz Schubert: Die Winterreise		Medici
Piano	Jerome Rose Plays Chopin Live in Concert [DVD Video]	2007	Medici Classics
Liner Notes	Jerome Rose Plays Franz Liszt		Medici Classics
Piano	Jerome Rose Plays Franz Liszt		Medici Classics
Piano	Jerome Rose plays Schubert: Posthumous Sonatas & Wanderer Fantasie		Medici Classics
Piano	Liszt: Années de Pèlerinage	1991	Vox
Piano	Liszt: Années de Pèlerinage		Medici
Piano	Liszt: Consolations; Funérailles	1996	Vox
Piano	Liszt: Piano Concerti Nos. 1 & 2; Totentanz	2001	Monarch
Piano	Liszt: Transcendental Etudes (Complete)	1985	Vox
Piano	Liszt: Transcendental Etudes	2001	Monarch
Piano	Lots Of Liszt	1990	Vox
Piano	Moonlight Moods	2002	Vox
Piano	Music & Love Poems	1999	Vox
Piano	Paganini Variations	1992	Vox
Piano	Piano by Candlelight	1994	Madacy
Piano	Piano By Candlelight		T
Liner Notes	Schumann: Davidsbündlertänze, Op. 6; Sonata in G minor, Op. 22	1995	Vox

Piano		Piano by Candlelight		1994	Madacy
Piano		Piano By Candlelight			T
Liner Notes		Schumann: Davidsbündlertänze, Op. 6; Sonata in G minor, Op. 22		1995	Vox
Piano		Schumann: Davidsbündlertänze, Op. 6; Sonata in G minor, Op. 22		1995	Vox
Piano		Schumann: Davidsbündlertänze; Kreisleriana		2002	Monarch
Piano		Schumann: The Complete Piano Sonatas		2001	Monarch
Piano		The Best of the Romantic Era		1999	Masterpi
Piano		The Romantic Piano (Box Set)		2002	Madacy
Piano		The Romantic Piano Concerto, Volume 1		1992	Vox
Piano		The Romantic Piano Concerto, Volume 4		1992	Vox
Piano		The Romantic Piano Concerto, Volume 7		1993	Vox
Piano		The Romantic Piano, Vol. 2		2002	Madacy
Piano		The Romantic Piano, Vol. 3		2002	Madacy
Piano		The Romantic Piano		1995	Madacy
Piano		TV Classics		1996	Vox

From: Burkardsmaier, Heiko [mailto:h.burkardsmaier@euroarts.com]
Sent: Tuesday, September 25, 2007 9:42 AM
To: info@mediciclassics.com
Subject: AW: Medici Arts / Medici Masters[virus checked]

Dear Mrs. Kedersha,

I would like to come back to my earlier e-mails dated August 3rd and Sept 5th and ask if Mr. Rose already had a chance to read our letter

We would really appreciate to get his feedback on our letter.

Thanks & kind regards,

Heiko Burkardsmaier
General Counsel
EuroArts Medien GmbH
Teckstrasse 64
70190 Stuttgart

Tel: +49 (0) 711/26876-12
FAX +49 (0) 711/26876-43
mailto:h.burkardsmaier@euroarts.com
www.euroarts.com

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Amtsgericht Stuttgart - HRB 24919
Steuernummer 27/488/00145
Geschäftsführer: Robert T. Walston; Bernd Hellthaler; Josephine Navarro
-----Ursprüngliche Nachricht-----
Von: Burkardsmaier, Heiko
Gesendet: Mittwoch, 5. September 2007 11:34
An: 'info@mediciclassics.com'
Betreff: AW: Medici Arts / Medici Masters[virus checked]

Dear Mrs. Kedersha,

I would like to come back to my earlier e-mail dated August 3rd and ask if Mr. Rose already had a chance to read our letter

Thanks & kind regards,

Heiko Burkardsmaier
General Counsel
EuroArts Medien GmbH
Teckstrasse 64
70190 Stuttgart

Tel: +49 (0) 711/26876-12
FAX +49 (0) 711/26876-43



mailto:h.burkardsmaier@euroarts.com
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Amtsgericht Stuttgart - HRB 24919

Steuernummer 27/488/00145

Geschäftsführer: Robert T. Walston; Bernd Hellthaler; Josephine Navarro

-----Ursprüngliche Nachricht-----

Von: Medici Classics [mailto:info@mediciclassics.com]

Gesendet: Freitag, 3. August 2007 17:01

An: Burkardsmaier, Heiko

Betreff: re: Medici Arts / Medici Masters[virus checked]

Dear Mr. Burkardsmaier:

We are in receipt of your email to Jerome Rose regarding Medici. Mr. Rose is currently away on tour and will not return to New York until September. He is unable therefore to answer your email properly until he returns to New York. If it requires an answer prior to September we will contact our attorney to be in touch with you.

Sincerely,

Julie Kedersha

Medici Classics

Return-Path: <h.burkardsmaier@euroarts.com>

Received: from mx1.dus.nkhosting.net [62.67.53.139] by maila40.webcontrolcenter.com with SMTP; Fri, 3 Aug 2007 01:45:42 -0700

Received: (qmail 39531 invoked by uid 89); 3 Aug 2007 08:16:53 -0000

Received: from unknown (HELO easx1.euroarts.com) (83.236.232.58) by mx1.dus.nkhosting.net with SMTP; 3 Aug 2007 08:16:53 -0000

Subject: Medici Arts / Medici Masters

MIME-Version: 1.0

Content-Type: text/plain;
charset="iso-8859-1"

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X-MS-Has-Attach:

X-MS-TNEF-Correlator:

Thread-Topic: Medici Arts / Medici Masters

Thread-Index: AcfVp6gDA/CYRsQ2RP6nTIQcvug26g==

From: "Burkardsmaier, Heiko" <h.burkardsmaier@euroarts.com>

To: <info@mediciclassics.com>

X-SmarterMail-Spam: SpamAssassin 0 [raw: 0], SPF_None

Dear Mr. Rose,

We refer to the telephone conversation between our Mr. John Pattrick and you in June.

We would like to know, as to whether you have any objections against the use of the designation MEDICI ARTS and MEDICI MASTERS in the US for DVDs, CD's and other audio and audiovisual media and/or the conception and/or production of image and/or sound recordings of films and concerts. You will find information about our company at www.euroarts.com.

It is our understanding that our companies are acting in different business fields and that there is no overlap between our goods and services. Nevertheless, we kindly request your reply whether an agreement between our entities is possible in order to exclude any conflicts. We look forward to hearing from you. Please also feel free to call me, if you prefer to have a telephone conversation.

This inquiry and this letter is without prejudice, and we do not waive any rights or acknowledge any rights with this letter.

Yours sincerely,

Heiko Burkardsmaier
General Counsel
EuroArts Medien GmbH
Teckstrasse 64
70190 Stuttgart

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October 1, 2007

J. JOSEPH BAINTON
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bainton@baintonlaw.com

VIA E-MAIL

Heiko Burkardsmaier, Esq.
General Counsel
EuroArts Medien GmbH
Teckstarsse 64
Stuttgart, 70190
Germany

Re: *Medici Classics Productions LLC v. Medici Group LLC*

Dear Mr. Burkardsmaier:

We are the attorneys for Medici Classics Productions LLC ("Medici Classics Productions"), a New York limited liability company. We have been asked to respond to your e-mail dated August 3, 2007, to Mr. Jerome Rose, the managing member of Medici Classics Productions.

Our client has used the trademark "Medici Classics Productions" since September 30, 2003, in connection with the creation, production, advertisement and sale of CDs, videotapes, laser disks and DVDs featuring performances of classical music. Applications for registration of its trademark have been pending for some time in both the United States and European Union. Its catalogue of classical music performances has been internationally available since 2003 at www.mediciclassics.com.

Frankly, before receipt of your e-mail, Medici Classics Productions had never heard of Medici Group LLC, which we understand is a Delaware limited liability company. According to published reports, Medici Group LLC is the holding company for an entity having "Medici Arts" as a substantial part of its name. That entity has a website at www.medicarts.co.uk. On that website Medici Arts describes itself as "a producer and distributor of music and arts related audiovisual programs." In a different section of the website, it offers recordings of performances of classical music under three separate collections, one of which is entitled "Medici Masters."



It seems quite clear to us that "Medici Masters" and "Medici Group" when used in connection with any of the creation, production, advertisement or sale of recordings of performances of classical music infringes our client's trademark, Medici Classics Productions. Given that Medici Classics Productions' use of its trademark was so easily discoverable on the internet, such infringement seems necessarily willful.

According to your Company's website, which you invited Mr. Rose to review, your company is also wholly owned by the Medici Group LLC. Unlike the website of your affiliate, Medici Arts, nothing on your company's website suggests past infringement of our client's trademark.

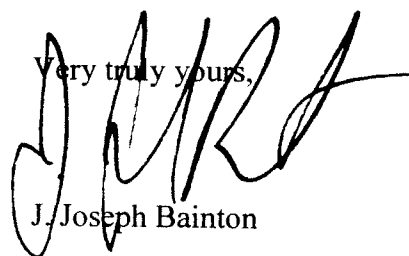
So, armed with 30 years of experience in intellectual property litigation and at least an average amount of skepticism, I cannot help but suspect that your company has been asked by its owner to obtain our client's unwitting consent to past trademark infringements by your company's affiliate, Medici Arts.

So, in response to your e-mail, let us say two things. First, Medici Classics Productions does not consent to your company's future infringements of its trademark. Second, Medici Classics Productions objects in the strongest possible terms to the past infringements of its trademark by the Medici Group LLC and its wholly-owned affiliate, Medici Arts, and demands that all such infringements immediately cease and desist. In addition, Medici Classics Productions demands that Medici Group LLC and Medici Arts tender their profits from their willful copying of our client's trademark.

In closing, we ask one small professional courtesy. Would you please either acknowledge that you are the appropriate person with whom we should be communicating about the past and future unlawful conduct of Medici Group LLC and Medici Arts, or, alternatively, provide us with the name of that individual.

With best regards, I am,

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Joseph Bainton". The signature is stylized with large, sweeping loops and a long horizontal stroke extending to the right.

J. Joseph Bainton

cc: Mr. Jerome Rose

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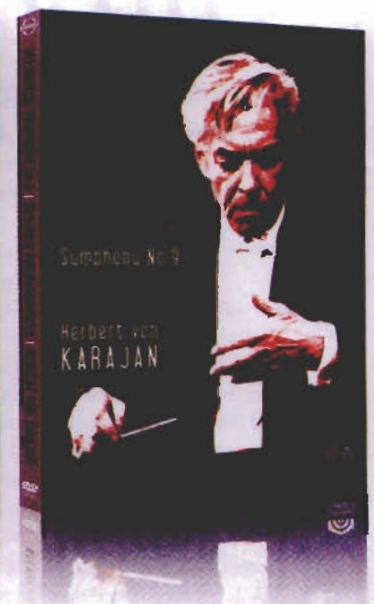
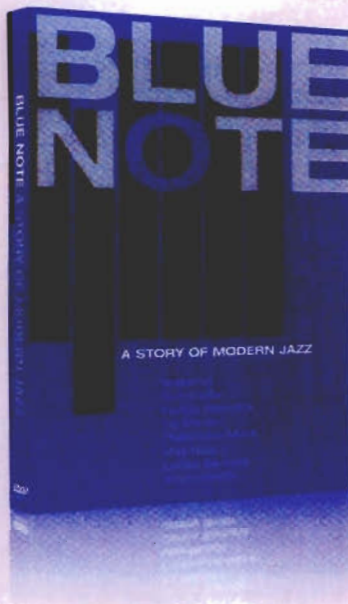
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December 7, 2000

President William Jefferson Clinton
The White House
1600 Pennsylvania Avenue
Washington, D.C.

Dear Mr. President,

I think you may remember me as one of your earliest national supporters. We met when I was chairman of both the Democratic Leadership Council and the Progressive Policy Institute, positions that I held until my resignation in 1995. I became involved in the political world in the mid 80's primarily because of my interest in "ideas", and the DLC best represented where I thought I was on the political continuum. But when ideas and human judgments seemingly led in different directions I stepped away. I recently revisited that period with Al From, and I am not sure I would make that same decision.

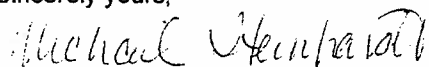
Invariably, life is filled with conflictual judgements and none of us escapes unscathed. I am writing this letter, Mr. President, to appeal to you on behalf of my friend, Mr. Marc Rich, who, I think, has been punished enough. While there remains controversy as to the facts surrounding Marc Rich's indictment in the early 1980's, there's no doubt that he was a successful person both, before and after, that horrific experience. He has continuously been successful in business. He's a responsible parent, grandparent, and son, as well as an unusually philanthropic individual throughout his life. Aside from this one experience, Marc has led a totally admirable life.

It would not be possible to recreate the circumstances surrounding a highly complicated series of facts occurring over a long period in the early 1980's. The people are no longer there, the attitudes have changed, and even many of the laws have changed. For Marc Rich, whose personal life has already been burdened by the profound constraints imposed by the circumstances of this case punishment, have been in some ways severe. He could not properly mourn his daughter. He could not live with his children or grandchildren. He has suffered more than most. As in his mid 60's, there is nothing that would be more important to him than to return to the United States of America and to live in peace.

Mr. President, I have known Marc for more than twenty-five years. I assure you that Marc Rich's moral and ethical standards amply justify your consideration of his pardon, so that in his remaining years he could fulfill his highest aspirations, which will make all of us, as Americans, proud.

Thank you very much.

Sincerely yours,



Michael Steinhardt



The United States of America



**CERTIFICATE OF REGISTRATION
PRINCIPAL REGISTER**

The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.

The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Director of the United States Patent and Trademark Office; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.

A copy of the Mark and pertinent data from the application are part of this certificate.

To avoid CANCELLATION of the registration, the owner of the registration must submit a declaration of continued use or excusable non-use between the fifth and sixth years after the registration date. (See next page for more information.) Assuming such a declaration is properly filed, the registration will remain in force for ten (10) years, unless terminated by an order of the Commissioner for Trademarks or a federal court. (See next page for information on maintenance requirements for successive ten-year periods.)



Jon W. I. Dudas

Director of the United States Patent and Trademark Office



Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 3,372,195

United States Patent and Trademark Office

Registered Jan. 22, 2008

**TRADEMARK
PRINCIPAL REGISTER**

MEDICI CLASSICS PRODUCTIONS

**JEROME ROSE (UNITED STATES INDIVIDUAL)
SUITE 1B
229 WEST 97TH STREET
NEW YORK, NY 10025**

**FOR: PRE-RECORDED CDS, VIDEO TAPES, LA-
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MUSIC, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).**

FIRST USE 9-30-2003; IN COMMERCE 9-30-2003.

**THE MARK CONSISTS OF STANDARD CHAR-
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FONT, STYLE, SIZE, OR COLOR.**

**NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "CLASSICS PRODUCTIONS",
APART FROM THE MARK AS SHOWN.**

SER. NO. 77-181,322, FILED 5-15-2007.

REBECCA SMITH, EXAMINING ATTORNEY

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

Requirements in the First Ten Years*

What and When to File:

- **First Filing:** A Declaration of Continued Use (or Excusable Non-use), filed between the 5th and 6th years after the registration date. (See 15 U.S.C. §1058; 37 C.F.R. §2.161.)
- **Second Filing:** A Declaration of Continued Use (or Excusable Non-use) **and** an Application for Renewal, filed between the 9th and 10th years after the registration date. (See 15 U.S.C. §1058 and §1059; 37 C.F.R. §2.161 and 2.183.)

Requirements in Successive Ten-Year Periods*

What and When to File:

- A Declaration of Continued Use (or Excusable Non-use) **and** an Application for Renewal, filed between each 9th and 10th-year period after the date when the first ten-year period ends. (See 15 U.S.C. §1058 and §1059; 37 C.F.R. §2.161 and 2.183.)

Grace Period Filings*

There is a six-month grace period for filing the documents listed above, with payment of an additional fee.

The U.S. Patent and Trademark Office (USPTO) will **NOT** send you any future notice or reminder of these filing requirements. Therefore, you should contact the USPTO approximately one year prior to the deadlines set forth above to determine the requirements and fees for submission of the required filings.

NOTE: *Electronic forms for the above documents, as well as information regarding current filing requirements and fees, are available online at the USPTO web site:*

www.uspto.gov

**YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT
FILE THE DOCUMENTS IDENTIFIED ABOVE DURING THE
SPECIFIED TIME PERIODS.**

*Exception for the Extensions of Protection under the Madrid Protocol:

The holder of an international registration with an extension of protection to the United States must file, under slightly different time periods, a Declaration of Continued Use (or Excusable Non-use) at the USPTO. See 15 U.S.C. §1141k; 37 C.F.R. §7.36. The renewal of an international registration, however, must be filed at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol. See 15 U.S.C. §1141j; 37 C.F.R. §7.41.





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April 25, 2008

J. JOSEPH BAINTON
(212) 480-2529
bainton@baintonlaw.com

VIA FACSIMILE

Daniel J. Kornstein, Esq.
Kornstein Veisz Wexler & Pollard, LLP
757 Third Avenue
New York, New York 10017

Re: *Medici Classics Productions LLC v. Medici Group LLC, et al.*

Dear Dan:

The Postman delivered your April 23, 2008 letter and its December 20, 2007 enclosure yesterday. Having not heard from you earlier, we initiated our own inquiries relating to what we believe to be infringing sales by third-parties of Medici branded recordings. We have already sent Dan Sparaco courtesy copies via e-mail of notice of issuance of various subpoenas.

I frankly was under the impression that you were going to provide considerably more detailed information, but perhaps I should have made my expectations about jurisdictional discovery clearer. In any event, I would appreciate receiving the following information.

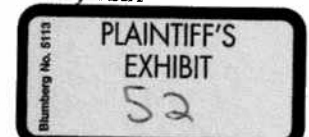
Private Placement Memoranda Relating to Medici Branded Recordings

While I have a fundamental grasp of the nature of a holding company, I point out that such status does not in and of itself determine liability for either contributory trademark infringement or direct infringement. *Banff Ltd. v. Limited, Inc.*, 869 F. Supp. 1103 (S.D.N.Y. 1994) (explaining that traditional *alter ego* liability concepts have no application to Lanham Act liability). As I told you at the end of last year, our client perceives a global business plan to market recordings of classical music under its Medici mark. There is ample evidence in the public press to support this inference, including for example the remarks attributed to Tom Baer ("an executive producer of EuroArts") appearing in a *New York Times* article on February 7, 2008, relating to a recording (whose packaging bears a "Medici Arts" trademark) of the New York Philharmonic that is currently being sold both in brick and mortar stores in New York City and to New York residents via the internet.

STAMFORD, CONNECTICUT

CENTRAL ISLIP, NEW YORK

NEWARK, NEW JERSEY



Daniel J. Kornstein, Esq.
April 25, 2008
Page 2

At the recent conference before Judge Holwell, Dan Sparaco suggested that Medici Group LLC “just raises money from investors” that it then invests in its operating subsidiaries. It is reasonable to assume that either Medici Group LLC or Medici Arts, LLC¹ (or both) provided investors and potential investors with a writing such as a private placement memorandum that explains its business plan and the role that the “Medici Masters,” “Medici Arts” and “Medici TV” trademarks play in that plan. We would like to see all such documents created within the last 24 months and are obviously happy to agree to any reasonable form of protective order.

EuroArts Medien GmbH/EuroArts Music (North America)

On page three of the enclosure to your letter is listed EuroArts Medien GmbH. That company has a website located at www.euroarts.com. On the main page of that website is a “Contact” section. When one clicks on “Contact” a page appears that contains a great deal of contact information (presumably hence the name). Among that information (at the bottom of the page) appears “EuroArts Music (North America),” Tom Baer’s name and the Madison Avenue address at which process in this action was originally served.

You have told us that Defendant “Medici Group Euroarts” does not exist. Could you please tell us if “EuroArts Music (North America)” is a distinct juridical entity or simply a division of EuroArts Medien GmbH?

Retail Sales of Medici Branded Recordings

As you likely inferred from yesterday’s subpoenas, we have marshaled evidence of “brick and mortar” sales within the City of New York of recordings bearing either a “Medici Masters” or a “Medici Arts” trademark. These retailers are obviously amenable to suit in New York.

Internet Sales of Medici Branded Recordings

We also have marshaled evidence of internet sales of allegedly infringing recordings to New York City residents. Such sales subject the persons of internet sellers to the jurisdiction of New York Courts. *Pearson Education, Inc. v. Yi Shi, d/b/a CollegeSolutions*, 525 F. Supp 2nd 551 (S.D.N.Y 2007) (collecting cases on *in personam* jurisdiction based upon internet sales to New York residents).

It strikes us as reasonably obvious that retail sellers such as The New York Philharmonic Orchestra or Naxos did not themselves apply an allegedly infringing Medici mark to the packaging of the recordings they sold. So, can you tell us which Medici Group LLC company or companies applied the allegedly infringing marks to the packaging of goods ultimately sold to New York City residents via either the internet or, for example, in the gift shop at Lincoln Center?

¹ For purposes of this litigation, may we ignore the existence of Medici Arts, B.V.?

Daniel J. Kornstein, Esq.
April 25, 2008
Page 3

Also, are the Medici Group entities that applied the allegedly infringing marks the same companies that sold such trademarked goods to retail sellers such as Naxos or J&R Music? If not, what is the chain of title looking backward from retail sellers such as amazon.com or Naxos?

Will you agree to produce any distribution agreements between one or more Medici Group LLC companies and these retail sellers and/or their suppliers?

Last, but certainly not least, is the topic of internet sales to New York residents by one or more Medici Group LLC company. We know of such sales from the EuroArts website whose address is stated above. Please produce records relating to all internet sales by any Medici Group LLC company to New York State residents.

Depositions of Mr. Walston and Mr. Baer

As Judge Haight's opinion in *Banff Ltd.* makes clear, a parent company's liability for alleged Lanham Act violations does not turn on the application of traditional *alter ego* law. While we believe that Medici Group LLC's written explanation(s) of its activities to its investors and potential investors is likely to be relevant to assessment of its liability for Lanham Act violations and in turn amenability to suit in New York based upon sales of infringing recordings, a deposition by a knowledgeable member remains in our view essential.

I want to make plain that if investment or borrowed funds relating to a business that exploits (or plans to exploit) any Medici mark (including various permutations of "Medici TV") were obtained or sought -- not by Medici Group LLC -- but rather by one or more of its affiliates, we hereby make inquiry about the activities of such affiliates as well.

Based upon remarks attributed to Tom Baer during 2008 by news sources such as the *New York Times*, it appears that he may be in a position to address these issues. As you know, Mr. Baer has for many years maintained offices on Madison Avenue where process in this action was originally served and so deposing him may be more convenient than deposing Mr. Walston, whom you tell me resides in California. I recognize that your client has the right to designate its own spokesperson. Should it not designate Mr. Baer, we nonetheless intend to depose him and therefore would appreciate anything you could do to facilitate this deposition.

Amendment of Complaint and Schedule

Your letter concludes by asking how we would like to proceed. The short answer is that we would like to complete the jurisdictional discovery outlined above as quickly as possible and then shortly thereafter serve an amended complaint, which remains our right to do. I allow for the possibility that we may have named the wrong Medici Group LLC defendant -- or more likely -- not named all that we should have. As noted above, we certainly intend to join all the persons from which or whom we have subpoenaed records unless they very promptly comply with our cease and desist letters (of which we also sent Dan copies).

Daniel J. Kornstein, Esq.
April 25, 2008
Page 4


The addition of new defendants that may be represented by a law firm other than yours logically may impact the existing schedule. You might also want to re-consider what I respectfully perceive to be your misplaced reliance on traditional alter ego law in accessing the amenability to suit in New York of Medici Group LLC based upon alleged Lanham Act violations.

I hope that we can agree that once we have the benefit of the answers to the jurisdictional questions outlined above, we can have a more informed conversation about which Medici Group LLC company or companies should be defendants in this action assuming *arguendo* that the sales of recordings of performances of classical music to New York residents bearing any of a "Medici Arts," "Medici Masters" or "Medici TV" trademark violates the Lanham Act.

Finally, thank you for your kind gift of *Partial Verdicts*. I particularly enjoyed the chapter on Justice Douglas for reasons that are too complicated to explain here. The whole book is great.

With best personal regards, I am,

Cordially yours,



J. Joseph Bainton

cc: Daniel J. Sparaco, Esq. (via e-mail)

KORNSTEIN VEISZ WEXLER & POLLARD, LLP

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Daniel J. Kornstein
WRITER'S DIRECT DIAL NO.: (212) 418-8610
WRITER'S E-MAIL ADDRESS: dkornstem@kvwmail.com

May 6, 2008

BY FAX AND E-MAIL

J. Joseph Bainton, Esq.
Bainton McCarthy LLC
26 Broadway, Suite 2400
New York, New York 10004-1840

Re: Medici Classics Productions LLC
v. Medici Group LLC

Dear Joe:

I have received your April 25, 2008 letter, as well as your "cease and desist" letters and third-party subpoenas. I write to provide immediately what information I have responsive to your requests.

We regard the "cease and desist" letters sent by you to third parties as improper harassment and a tortious interference with our clients' contracts and business relations with these entities. Our clients will hold your client responsible for any resulting harm. We insist that you withdraw these "cease and desist" letters immediately.

The purpose of the limited jurisdictional discovery authorized by Judge Holwell was to identify the entities relevant to plaintiff's suit and their jurisdictional status. Our April 23 letter to you, enclosing a detailed organizational chart, was meant to expedite this effort. On that chart we identified two entities that produce the products at issue -- EuroArts Music International and Ideale Audience. (The latter owns and operates medici.tv.) A third entity listed on the organizational chart, Medici Arts Limited, is based in the United Kingdom and owns and

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Received May-06-2008 17:31

From-212 826 3674

To-Bainton McCarthy LLC

Page 002



KORNSTEIN VEISZ WEXLER & POLLARD, LLP

J. Joseph Bainton, Esq.
May 6, 2008
Page 2

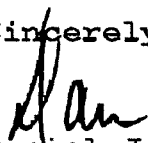
operates mediciarts.co.uk, which distributes "Medici Masters" products on-line.

In response to the requests in your letter, we are informed that:

1. Private Placement Memoranda: there are none.
2. EuroArts Music (North America): There is no such entity that we are aware of. It is a short-hand reference to Tom Baer's occasional role acting as a consultant on behalf of EuroArts Music International. The other entity you asked about, EuroArts Medien GmbH, is a holding company that owns EuroArts Music International, which we identified in our April 23 letter. Tom Baer is not an employee of Medici Group LLC or of EuroArts Music International, nor is he an employee of any other entity affiliated with Medici Group, LLC.
3. Retail Sales: I have attached retail sales figures in the United States for CDs through September 2007, and will provide additional figures as they become available. Our April 23 letter details entities that control the production and distribution of Medici Masters CDs and DVDs.
4. Depositions: Medici Group, LLC designates Rob Walston as its deposition witness on jurisdictional issues. A California resident, he will be available to be deposed in New York only on Wednesday, May 21. As agreed before Judge Holwell on March 14, 2008, plaintiff will not serve Mr. Walston with any litigation papers or process while he is in New York for this deposition.

Regards.

Sincerely,


Daniel J. Kornstein

DJK:ds
Enclosure

Medicl Masters Series

MM1 05/07	Total Shipped to US (paid for)	Total Sold
MM001-2	585	60
MM002-2	495	54
MM003-2	495	60
MM004-2	585	64
TOTAL	2160	268
MM2 07/07		
MM005-2	450	182
MM006-2	450	154
MM007-2	450	177
MM008-2	450	172
TOTAL	1800	685
MM3 08/07		
MM009-2	600	9
MM010-2	600	10
MM011-2	600	13
MM012-2	600	12
MM013-2	600	13
MM014-2	600	16
TOTAL	3600	73
MM4 10/07		
MM015-2	0	0
MM016-2	0	0
MM017-2	0	0
MM018-2	0	0
MM019-2	0	0
MM020-2	0	0
TOTAL	0	0
TOTAL	7560	1026

Mark D. Wessel

From: J. Joseph Bainton
Sent: Thursday, May 29, 2008 12:17 PM
To: Daniel Kornstein; Mark D. Wessel
Subject: RE: Medici

Dan,

We disagree. The time is now too short to resolve this before our papers are due Monday.

You should therefore expect to see this email exchange as part of our papers.

Since Mr. Walston and Medici Group did what he testified they did in respect of Exhibit 18 after commencement of this action, we think the record as is supports jurisdiction. That said, we also believe the Court is free to speculate about what the power point says about "one company, one voice, etc."

If you wish to eliminate this issue by showing the power point to me with an "attorneys eyes only" designation that is fine with me.

Joe

-----Original Message-----

From: "Daniel Kornstein" <dkornstein@kwvmail.com>
To: "J. Joseph Bainton" <Bainton@BaintonLaw.com>
Sent: 5/29/08 11:27 AM
Subject: Medici

Joe:

We received this morning a copy of the proprietary and confidential powerpoint presentation referred to by Robert Walston at his May 21 deposition and which you have asked us to produce in connection with jurisdictional discovery. We have reviewed the document and believe it is not relevant to the issue of personal jurisdiction over Media Group LLC or Mr. Walston, and therefore we decline to produce it at this time. If you disagree with our position, we would be willing to have either Magistrate Judge Dollinger or Judge Holwell review the document in camera and decide if it must be produced (of course subject to a confidentiality order).

Best,

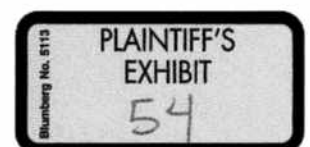
Dan

Daniel J. Kornstein, Esq.

Kornstein Veisz Wexler & Pollard, LLP

757 Third Avenue

New York, NY 10017



6/1/2008

Tel: (212) 418-8600

Fax: (212) 826-3640

dkornstein@kvwmail.com

www.kvwp.net

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6/1/2008

Mark D. Wessel

From: J. Joseph Bainton
Sent: Saturday, May 31, 2008 5:21 PM
To: Mark D. Wessel
Subject: RE: Crown / Lara and Medici

Mark,

Here is the brief. Please clean it up and fill in missing exhibit numbers, which consist of the "new ones" I gave you on Friday. You need to add all the correspondence between Kornstein and me, starting with my request for offering memo; his letter than none exist; the e-mail exchanges regarding "where is Power Point," and concluding with his e-mail that he will not produce it. I will resend some of those e-mails.

Joe

J. Joseph Bainton
Bainton McCarthy LLC
26 Broadway
New York, NY 10004-1840
Telephone (212) 480-2529
Facsimile (212) 480-9557
Mobile (917) 612-0831

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From: Mark D. Wessel
Sent: Friday, May 30, 2008 6:12 PM
To: J. Joseph Bainton
Subject: Crown / Lara and Medici

Joe,

If you need anything done before Monday shoot me an email.

-Mark

6/1/2008



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Label : Medici Classics (Formerly Monarch)

15 albums


Sort by: [Title A-Z](#) [Price](#) [Release Date](#) [Catalog Number](#)

1.




Beethoven: Symphony No 4; Mozart: Symphony No 41
 Release Date: 01/29/2008 Label: Medici Classics (Formerly Monarch)
 Catalog: MM019-2
 Composer: Ludwig van Beethoven, Wolfgang Amadeus Mozart
 Conductor: Sir Adrian Boult
 Orchestra/Ensemble: London Philharmonic Orchestra

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2.




Beethoven: The Last Three Sonatas / Jerome Rose
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 Number of Discs: 1
 Composer: Ludwig van Beethoven
 Performer: Jerome Rose

CD \$11.99
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3.




Brahms: Sonata No 3, Handel Variations / Jerome Rose
 Release Date: 06/27/2006 Label: Medici Classics (Formerly Monarch)
 Catalog: 30102 Number of Discs: 1
 Composer: Johannes Brahms
 Performer: Jerome Rose

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4.




Chopin: Ballades, Fantaisie / Jerome Rose
 Release Date: 01/21/2003 Label: Medici Classics (Formerly Monarch) Catalog: 2005
 Number of Discs: 1
 Composer: Frédéric Chopin
 Performer: Jerome Rose

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5.




Jerome Rose Plays Chopin Live In Concert
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 Catalog: 50019
 Composer: Frédéric Chopin
 Performer: Jerome Rose

DVD \$21.99
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6.




Jerome Rose Plays Liszt - Sonata In B Minor, Etc
 Release Date: 11/30/2004 Label: Medici Classics (Formerly Monarch) Catalog: 3009
 Number of Discs: 1
 Composer: Franz Liszt
 Performer: Jerome Rose

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7.



Liszt: Années De Pèlerinage / Jerome Rose
 Release Date: 10/31/2006 Label: Medici Classics (Formerly Monarch)
 Catalog: 40012 Number of Discs: 3
 Composer: Franz Liszt
 Performer: Jerome Rose








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8.



Liszt: Transcendental Etudes / Jerome Rose
 Release Date: 02/25/2003 Label: Medici Classics (Formerly Monarch) Catalog: 2003
 Number of Discs: 1
 Composer: Franz Liszt
 Performer: Jerome Rose

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9.  **Rose Plays Liszt / Jerome Rose, Rico Saccani, Budapest Po** **CD \$11.99**
Release Date: 02/25/2003 Label: Medici Classics (Formerly Monarch) Catalog: 2002
Number of Discs: 1 [Add to Cart](#)
Composer: Franz Liszt
Performer: Jerome Rose
Conductor: Rico Saccani
Orchestra/Ensemble: Budapest Philharmonic Orchestra
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10.  **Schubert: The Three Posthumous Sonatas, Etc / Jerome Rose** **CD \$11.99**
Release Date: 09/30/2003 Label: Medici Classics (Formerly Monarch) Catalog: 3007
Number of Discs: 2 [Add to Cart](#)
Composer: Franz Schubert
Performer: Jerome Rose
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11.  **Schumann: Davidsbündlertänze, Kreisleriana / Jerome Rose** **CD \$11.99**
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Composer: Robert Schumann
Performer: Jerome Rose
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12.  **Schumann: The Complete Piano Sonatas / Jerome Rose** **CD \$11.99**
Release Date: 11/26/2002 Label: Medici Classics (Formerly Monarch) Catalog: 2004
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Composer: Robert Schumann
Performer: Jerome Rose
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13.  **Schubert: Die Winterreise / Jon Frederic West, Jerome Rose** **CD \$11.99**
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Number of Discs: 1 [Add to Cart](#)
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Performer: Jon Frederick West, Jerome Rose
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14.  **Stravinsky: Violin Concerto; Le Sacre; Bartók: Divertimento** **CD \$15.99**
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15.  **Tchaikovsky: Symphony No 6, Violin Concerto / Oistrakh, Kletzki** **CD \$15.99**
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